

CITY COUNCIL PROCEEDINGS

December 7, 2022

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on December 1, 2022, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council members Pat Meysenburg, Tom Kobus, Bruce Meysenburg, Jessica Miller, Kevin Woita, City Attorney David Levy, and Interim City Administrator/City Clerk-Treasurer Tami Comte. Council member John Vandenberg was absent.

Also present for the meeting were: Special Projects Coordinator Dana Trowbridge, Electric Supervisor Pat Hoeft, Banner-Press Correspondent Hannah Schrodt, and Sheriff Tom Dion.

The meeting opened with the Pledge of Allegiance.

Council member Jessica Miller made a motion to approve the minutes of the November 30, 2022 City Council meeting as presented. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Jessica Miller made a motion to approve Jones Group as the City's health insurance agent of record and to approve Medica HSA 3000 – 0% as the employee's health insurance. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

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Illustration prepared by



CITY OF DAVID CITY
 Group Health Plan Considerations
 1/1/2023 Effective Date

HSA PLAN	Current	Renewal	Renewal Alternate	Medica	Medica
	Blue Cross Blue Pride SHB22	Blue Cross Blue Pride SHB23	Blue Cross Blue Pride GHB23	3000-0% HSA	5000-0% HSA
All benefits for in-network providers	Embedded Ded	Embedded Ded	Aggregate Ded	Embedded Ded	Embedded Ded
PLAN TYPE	Fully Insured	Fully Insured	Fully Insured	Fully Insured	Fully Insured
DEDUCTIBLE	\$4,500/\$9,000	\$4,800/\$9,600	\$2,700/\$5,600	\$3,000/\$6,000	\$5,000/\$10,000
COINSURANCE	0%	0%	0%	0%	0%
OOP MAXIMUM-with copays	\$4,500/\$9,000	\$4,800/\$9,600	\$2,700/\$5,600	\$3,000/\$6,000	\$5,000/\$10,000
OFFICE VISIT - PCP	Deductible	Deductible	Deductible	Deductible	Deductible
SPECIALIST VISIT	Deductible	Deductible	Deductible	Deductible	Deductible
URGENT CARE VISIT	Deductible	Deductible	Deductible	Deductible	Deductible
TELEHEALTH	Deductible	Deductible	Deductible	Deductible	Deductible
ER VISIT	Deductible	Deductible	Deductible	Deductible	Deductible
RX COPAYS					
Generic	Deductible	Deductible	Deductible	Deductible	Deductible
Preferred Brand	Deductible	Deductible	Deductible	Deductible	Deductible
Non-Preferred Brand	Deductible	Deductible	Deductible	Deductible	Deductible
Specialty	Deductible	Deductible	Deductible	Deductible	Deductible
RATES				Preventative Rx covered 100%	
Employee Only 11	AGE RATED	AGE RATED	AGE RATED	\$489.65	\$438.47
Employee + Spouse 1				\$1,077.23	\$964.63
Employee + Children 1				\$930.35	\$833.10
Employee + Family 3				\$1,566.88	\$1,403.10
Total Monthly	\$17,890.08	\$18,891.16	\$21,762.47	\$12,094.37	\$10,830.20
Total Yearly	\$214,680.96	\$226,693.92	\$261,149.64	\$145,132.44	\$129,962.40
% change from current		5.60%	21.65%	-32.40%	-39.46%

Council member Pat Meysenburg made a motion to approve the EPA amendment and authorize Mayor Zavodny to sign. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
 Yea: 5, Nay: 0, Absent: 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

SENT VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

The Honorable Alan Zavodny
Mayor of David City
557 North 4th Street
David City, Nebraska 68632
azavodny@davidcityne.com

Re: Amendment to Administrative Order for Compliance on Consent, CWA-07-2018-0031

Dear Mayor Zavodny:

This letter concerns David City's publicly owned treatment works compliance with the Clean Water Act and Administrative Order for Compliance on Consent, CWA-07-2018-0031. The U.S. Environmental Protection Agency concludes that the Order needs to be amended to achieve compliance with the CWA.

As you know, the EPA and the City entered into the Order on May 4, 2018, to address the City's violations of National Pollutant Discharge Elimination System permit number NE0021199. The Order required the City to propose and implement a Compliance Plan by December 31, 2020. While the City has completed most of the work proposed in the original Compliance Plan, it has not yet achieved compliance with the CWA and its NPDES Permit. In addition, the City's most recent update to the Compliance Plan proposes a new wastewater treatment plant upgrade. For these reasons, the EPA believes an Amendment to the Order is necessary. A proposed Amendment is attached here.

Please contact Shane McCoin, the attorney assigned to this matter, within **ten (10) calendar days** at (913) 551-7955 or mccoin.shane@epa.gov, to discuss the terms of the Amendment. Thank you for your prompt attention to this matter.

Sincerely,

DAVID
COZAD

Digitally signed by DAVID
COZAD
Date: 2022.11.30
16:06:30 -0600

David Cozad
Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Daniel Sobota, David City
David Levy, Attorney for David City
Reuel Anderson, Nebraska Department of Environment and Energy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	Docket No. CWA-07-2018-0031
David City, Nebraska)	
)	AMENDED
Respondent)	FINDINGS OF VIOLATION AND
)	ORDER FOR COMPLIANCE ON
)	CONSENT
Proceedings under Section 309(a)(3) of the)	
Clean Water Act, 33 U.S.C. § 1319(a)(3))	
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Preliminary Statement

1. The United States Environmental Protection Agency (“EPA”) and David City, Nebraska (“City” or “Respondent”) entered into a Findings of Violation and Order for Compliance on Consent on May 4, 2018. The following findings and Order are an amendment to the above-referenced matter.

2. The following Amended Findings of Violation and Administrative Order for Compliance on Consent (“Amended Order on Consent”) are made and issued pursuant to Section 309(a)(3) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a)(3). This Authority has been delegated by the Administrator of the EPA to the Regional Administrator, EPA, Region 7 and further delegated to the Director of the Enforcement and Compliance Assurance Division.

3. By entering into this Amended Order on Consent, Respondent (1) consents to and agrees not to contest the EPA's authority or jurisdiction to issue and enforce this Section 309(a) Order on Consent, (2) consents to personal service by electronic mail, (3) agrees to undertake all actions required by the terms and conditions of this Order on Consent, and (4) consents to be bound by the requirements set forth herein. Respondent neither admits nor denies the specific factual allegations or Findings of Violation in this Amended Order on Consent, except that Respondent admits the jurisdictional allegations herein. Respondent also waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Amended Order on Consent, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4. Paragraphs 2 – 47 of the May 4, 2018 Order are incorporated by reference in this Amended Order on Consent.

EPA's Amended General Allegations

5. On November 1, 2017, the NDEE issued a modified NPDES permit number NE0021199 to the City authorizing discharges from its POTW to Keysor Creek pursuant to Section 402 of the CWA, 33 U.S.C. § 1342 ("2017 NPDES Permit").

6. Part I of the 2017 NPDES Permit contains discharge limitations and monitoring requirements for discharges of effluent from the City's POTW through Outfall 1 to Keysor Creek, some of which are summarized below.

Parameter	Units	Discharge Limits		Monitoring Frequency
		Monthly Average	Weekly Average	
Biochemical Oxygen Demand ("BOD")	mg/L	30.0	45.0	Monthly
Total Suspended Solids ("TSS")	mg/L	80.0	120.0	Monthly
		Monthly Average	Daily Maximum	
Interim Spring Ammonia (March 1 – May 31)	mg/L	4.13	8.28	Monthly
	kg/day	5.47	10.97	
Interim Summer Ammonia (June 1 – Oct. 31)	mg/L	4.05	8.12	Monthly
	kg/day	5.36	10.75	
Interim Winter Ammonia (Nov. 1 – Feb. 28)	mg/L	7.81	15.7	Monthly
	kg/day	10.03	20.13	
Final Spring Ammonia (March 1 – May 31)	mg/L	0.45	0.90	Monthly
	kg/day	0.47	0.94	
Final Summer Ammonia (June 1 – Oct. 31)	mg/L	0.35	0.69	Monthly
	kg/day	0.41	0.83	
Final Winter Ammonia (Nov. 1 – Feb. 28 [29])	mg/L	2.20	4.40	Monthly
	kg/day	2.23	4.47	

7. On July 1, 2021, the NDEE issued a revised NPDES permit number NE0021199 to the City authorizing discharges from its POTW to Keysor Creek pursuant to Section 402 of the CWA, 33 U.S.C. § 1342 ("2021 NPDES Permit").

8. Part I of the 2021 NPDES Permit contains revised discharge limitations and monitoring requirements for discharges of effluent from the City's POTW through Outfall 1 to Keysor Creek, some of which are summarized below.

Parameter	Units	Discharge Limits		Monitoring Frequency
		Monthly Average	Daily Maximum	
Total Suspended Solids ("TSS")	mg/L	80.0	120.0	Twice/Month
		Monthly Average	Weekly Average	
Biochemical Oxygen Demand ("BOD")	mg/L	30.0	45.0	Twice/Month

		Monthly Average	Daily Maximum	
Spring Ammonia (March 1 – May 31)	mg/L	0.37	0.74	Twice/Month
	kg/day	0.64	1.29	
Summer Ammonia (June 1 – Oct. 31)	mg/L	0.30	0.60	Twice/Month
	kg/day	0.50	1.00	
Winter Ammonia (Nov. 1 – Feb. 28)	mg/L	1.08	2.17	Twice/Month
	kg/day	1.61	3.22	

9. The NDEE conducted inspections of the City’s POTW on September 17, 2020 and May 27, 2021, and documented violations of the City’s NPDES Permit, including in particular, multiple exceedances of the ammonia discharge limits in the 2017 NPDES Permit and 2021 NPDES Permit that occurred in 2019, 2020, and 2021, and the City’s ongoing efforts to address the violations.

10. The May 4, 2018, Order addressed noncompliance with the City’s NPDES Permit from 2014 through 2017 and required that the City take all necessary actions to correct the deficiencies and complete the actions proposed in the Compliance Plan to achieve compliance with its NPDES Permit by December 31, 2020. Based on the City’s semi-annual reports submitted to the EPA and the City’s Discharge Monitoring Reports, although the City has completed most of the work proposed in the original Compliance Plan, it has not yet achieved compliance with the CWA and its NPDES Permit.

11. On April 26, 2021, the City submitted an updated Compliance Plan to EPA.

12. On July 19, 2021, the EPA requested that the City revise and resubmit the updated Compliance Plan, finding it lacked detail and a proposed schedule for certain projects.

13. On September 3, 2021, the City submitted additional information to EPA and on April 8, 2022, the City submitted a Comprehensive Compliance Plan Update to EPA regarding the City’s plans to upgrade the headworks building at the wastewater treatment plant and investigate the need for repairs to the south side of its collection system, as well as information about certain completed projects.

14. On August 12, 2022, NDEE conducted a compliance assistance visit to the David City WWTP and received new updates regarding revised plans for proposed WWTP upgrades.

15. On October 31, 2022, the City submitted a report to EPA of progress in implementing the Comprehensive Compliance Plan Update and new information concerning the POTW’s industrial users, including that the Henningsen Foods egg processing facility closed and Ag Processing, Inc (AGP) plans to open a soybean processing facility in David City in 2025. The report indicated that the City now plans to construct additional upgrades to the WWTP and to implement sewer system lining repairs in the south side of the collection system.

16. Because of the change in circumstances with the City’s industrial users, new information concerning the need for additional upgrades to the WWTP, and the

additional time needed to complete the upgrades, the Comprehensive Compliance Plan Update is no longer adequate to achieve compliance with the City's NPDES Permit and CWA.

EPA's Findings of Violations

Amended Count 1 Failure to Comply with Effluent Limitations

17. The facts stated above are re-alleged and incorporated herein by reference.

18. Part I of the Respondent's 2017 and 2021 NPDES permits establish discharge limits and monitoring requirements for Outfall 001, as described in Paragraphs 6 and 8, above.

19. The City's POTW effluent discharged through Outfall 001 exceeded the ammonia, BOD, and TSS limits of its NPDES permit on multiple occasions from 2019 to 2022 including, but not limited to, the following:

- a. Nitrogen, ammonia total, concentration (mg/L):
 - i. Daily max: October 2020; February, March, April, May, June, July, August, September, October, November, and December 2021; January, February, March, April, May, June, and July 2022;
 - ii. Monthly average: August and October 2019; October and November 2020; February, March, April, May, June, July, August, September, October, November, and December 2021; January, February, March, May, and June 2022.
- b. Nitrogen, ammonia total, loading (kg/d):
 - i. Daily max: July and October 2019; October and November 2020; February, March, April, May, June, July, August, September, October, November, and December 2021; January, February, May, and June 2022;
 - ii. Monthly average: July and October 2019; November 2020; February, March, April, May, June, July, August, September, October, November, and December 2021; January, February, March, and May 2022.
- c. BOD, 5-day, 20 deg. C, concentration (mg/L)
 - i. Weekly average: July 2021
 - ii. Monthly average: July and August 2021; February and March 2022;
- d. Total Suspended Solids, concentration (mg/L)
 - i. Daily Max: July 2021;
 - ii. Monthly average: July 2021.

20. Each failure to comply with effluent limitations is a violation of the terms and conditions of Respondent's NPDES permit and, as such, is a violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a), 1342(p).

Amended Order for Compliance on Consent

21. Based on the EPA Findings set forth above, and pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), the EPA hereby ORDERS the

Respondent, and the Respondent hereby AGREES, to take the actions described below.

22. Despite the City's efforts to implement the original Compliance Plan, it has not achieved compliance with its NPDES Permit by the deadline in the May 4, 2018 Order.

23. Amendments to the Comprehensive Compliance Plan Update are now needed to achieve compliance. Accordingly, the EPA and the City agree to modify the May 4, 2018 Order to require the City to implement an Amended Comprehensive Compliance Plan Update, described below, for achieving compliance with the City's NPDES Permit by July 31, 2025.

24. *Amended Comprehensive Compliance Plan Update.* By no later than sixty (60) days after the effective date of this Amended Order, the City shall submit to the EPA, with a copy to the NDEE, a comprehensive written plan (the "Amended Comprehensive Compliance Plan Update") for achieving compliance with the City's NPDES Permit, as follows:

- a. The Amended Comprehensive Compliance Plan Update shall describe in detail the actions to be taken or work to be completed, and how such actions or work will enable the City to achieve compliance with the effluent limitations prescribed by the City's NPDES Permit.
- b. The Amended Comprehensive Compliance Plan Update shall include a proposed sequential milestone schedule for completing the proposed actions/work. All such actions/work shall be completed as expeditiously as possible, with a final completion date of no later than July 31, 2025.

25. *Compliance Plan Completion.* Within thirty (30) days of completion of the final scheduled corrective action, the City shall submit a written certification to the EPA, with a copy to the NDEE, that it has completed all actions required pursuant to this Amended Order on Consent and achieved compliance with its NPDES Permit.

26. The EPA will promptly review submittals from Respondent. If, after review of Respondent's submittals pursuant to this Amended Order on Consent, the EPA determines that additional corrective measures or alternative deadlines are appropriate, the EPA may seek to modify this Amended Order on Consent pursuant to the provisions of Paragraph 36 below, or terminate this Amended Order on Consent and initiate a separate enforcement action, as appropriate.

Reports/Submissions

27. *Submittals.* All documents required to be submitted to EPA by this Amended Order on Consent, including the certification statement in Paragraph 30 below, shall be submitted by electronic mail to:

draper.seth@epa.gov

Seth Draper, or his successor

U.S. Environmental Protection Agency Region 7
Enforcement and Compliance Assurance Division
11201 Renner Boulevard
Lenexa, Kansas 66219

28. Electronic submissions to the EPA will be deemed submitted on the date they are transmitted electronically. Any report, notification, certification, or other communication that cannot be submitted electronically to the EPA shall be submitted in hard-copy to the address provided above.

29. All documents required to be submitted pursuant to this Amended Order shall also be submitted by electronic mail to NDEE to the address provided below:

steve.goans@nebraska.gov
Steve Goans, or his successor
Water Quality Division
Nebraska Department of Environment and Energy

30. Each submission requirement of this Amended Order shall contain the following certification signed by an authorized official, as described at 40 C.F.R. § 122.22:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

General Provisions

Effect of Compliance with the Terms of this Amended Order for Compliance

31. Compliance with the terms of this Amended Order shall not relieve Respondent of liability for, or preclude the EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

32. This Amended Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 et seq., all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Amended Order. Issuance of this Amended Order shall not be deemed an election by the EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

Access and Requests for Information

33. Nothing in this Amended Order shall limit the EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

Severability

34. If any provision or authority of this Amended Order, or the application of this Amended Order to Respondent, is held by federal judiciary authority to be invalid, the application to Respondent of the remainder of this Amended Order shall remain in full force and effect and shall not be affected by such a holding.

Effective Date

35. The terms of this Amended Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Amended Order is signed by the EPA.

Modification

36. At the EPA's sole discretion, extensions of the compliance schedule/deadlines required by this Amended Order may be made by the EPA by written notice to Respondent, without further formal amendment to the Order. The EPA's consent for a requested extension will not be unreasonably withheld. All other modifications to this Amended Order may only be made by mutual agreement of the Parties, pursuant to a written amendment signed by each Party.

Termination

37. This Amended Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA.

For the Complainant, U.S. Environmental Protection Agency:

David Cozad
Director
Enforcement and Compliance Assurance Division

Shane E. C. McCoin
Assistant Regional Counsel
Office of Regional Counsel

For the Respondent, David City:

Signature

Date

Name

Title

Prior to beginning consideration of the annexation Ordinances, Mayor Zavodny stated that he wanted to address transparency because that came up a lot and it's one of those words that just create such a range of emotions for people.

Mayor Alan Zavodny said, "Transparency, to be clear, doesn't mean you are privy to every conversation or every thought that an elected official has. What it means is that the governing body comes here, in this setting and votes publicly on courses of action. That is where transparency comes from. It is the ability to have public information available to the public. That's how transparency works from my standpoint. That's how our country works. We are a representative republic. That's how the population of citizens are represented. That being said, a couple of questions came up that we want to talk about. One was grandfathering, and I knew this last week, too, but again, so it just didn't turn into a back-and-forth debate, I think it's just more helpful to read how we view that."

Mayor Alan Zavodny read the following statement:

Grandfathering/Non-Conforming Use

Property that David City annexes becomes subject to the David City Municipal Code, including its zoning ordinance. To the extent the annexed properties contain structures or are currently being used in a manner that are presently lawful but would not conform to the new ordinance, Sections 4.19, 4.20 and 4.21 of the David City Zoning Ordinance provide a safe harbor. The current use of the property can continue even though it does not comply with the new ordinance. This is called a "legal nonconforming use." However, the owner cannot expand the nonconforming use. Moreover, if the owner discontinues the nonconforming use for 12 consecutive months, the safe harbor no longer applies, and the property will have to conform to applicable law moving forward.

Urban and Suburban v. Rural in Character

Nebraska law states that a "City of the Second Class," such as David City, may only annex adjacent property that is "urban or suburban in character," as opposed to agricultural property that is rural in nature. However, the law is very clear that a property won't be considered "rural" just because it is used for farming. Likewise, a property is not considered

“rural” because it is currently zoned for agricultural use, and a property is not “rural” simply because it currently qualifies for agricultural tax benefits (such as greenbelt status).

The test for whether annexation is proper according to the Nebraska Supreme Court is “whether a city has arbitrarily and irrationally used the power granted therein to include lands entirely disconnected, agricultural in character, and bearing no rational relation to the legitimate purposes of annexation.”

There are a number of factors to consider to determine whether a property is “urban or suburban in character” and thus subject to annexation. Those factors include:

1. the location of the area, meaning whether it is isolated versus near things like housing developments, parks, schools, industry, local roads
2. its character
3. its proximity to growth areas,
4. developments in the vicinity of the property
5. the degree of development already existing (such as plots, roads, utilities, etc.)
6. contemplated future development (even if that future development is down the road)
7. current use of the land, and
8. whether the future development or residential value of the annexed territory exceeded its agricultural use value.

Based on these factors, we are confident that the properties we propose to annex through these ordinances are urban or suburban in nature.

Why Now

David City is growing, and there is demand for more growth. David City recently updated its Comprehensive Plan, which is the road map for desired and anticipated future land use. It is a logical next step to amend the City Limits through annexation to follow the lead of the Comprehensive Plan and set the stage for implementing it.

One significant reason for annexing territory is to promote orderly growth. That is also an objective of the Comprehensive Plan. Both actions work in this same direction.

Purpose of Annexations

The City chose the properties proposed for annexation after careful evaluation and planning, taking into account projected growth and anticipated future use for such land. Given this Comprehensive Plan and other legal requirements, it was not appropriate to move to annex additional properties at this time, even if those properties are also adjacent to David City.

Characterization of Annexations

A question arose at our last meeting as to whether the ordinances are addressing a blighted area or some other grounds. To clarify, the annexations are not based on any status as a blighted area. The grounds for the proposed annexations are set forth in each ordinance. A blight and substandard designation and processing under the Community Development Law is a separate matter.

Council member Bruce Meysenburg made a motion to adopt Ordinance No. 1409 on 2nd reading only annexing the Newsom and Schmid properties located at 3653 M Road, Part of the East half of Section 13, Part of the Southeast Quarter of Section 12, Part of the Northeast quarter of Section 24, All in Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, as legally described below, to wit, PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE WEST HALF OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2631.23 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N00°00'34"W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2634.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE NORTHERLY EXTENSION OF SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 37; THENCE N89°56'25"E ON SAID NORTH RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1233.68 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S30°24'38"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2826.36 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE S00°27'41"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2859.50 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 36; THENCE S88°30'36"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2641.34 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING, CONTAINING 283.02 ACRES, MORE OR LESS.. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1409

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and

contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");

- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) The City has adopted a redevelopment plan for the territory being annexed pursuant to the Nebraska Community Development Law (Nebraska Revised Statutes sections 18-2101, et seq.) authorizing the division of taxes pursuant to section 18-2147 of the Nebraska Revised Statutes to support development and construction of an agricultural processing facility, and as such, Nebraska Revised Statutes section 17-405.01(2) authorizes the City to annex the territory described herein regardless of whether it is urban or suburban in character;
- (f) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (g) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City

Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

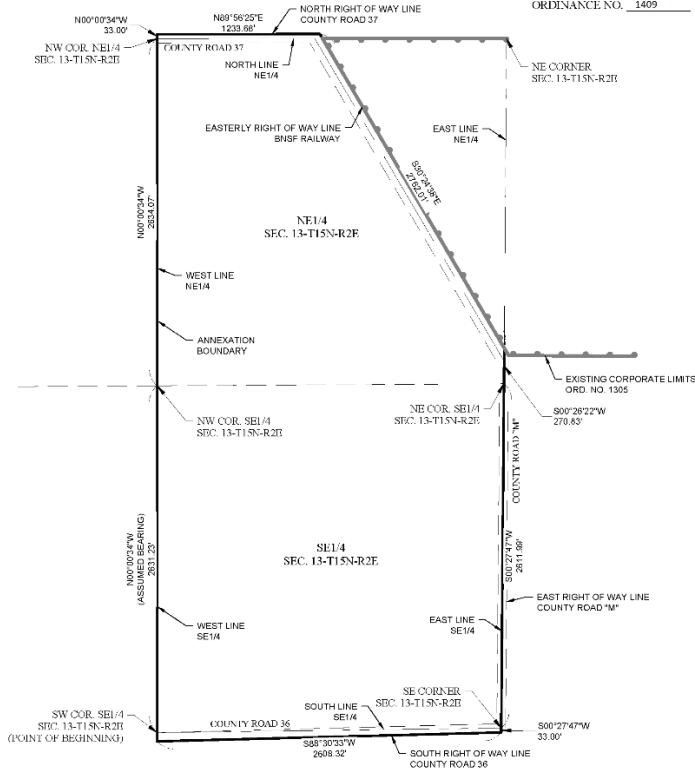
EXHIBIT "A"

ANNEX 1 – Ordinance No. 1409

PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2631.23 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N00°00'34"W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2634.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE NORTHERLY EXTENSION OF SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 37; THENCE N89°56'25"E ON SAID NORTH RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1233.68 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S30°24'38"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2762.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°26'22"W ON SAID EAST LINE, A DISTANCE OF 270.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°27'47"W ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2611.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE CONTINUING S00°27'47"W ON THE SOUTHERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 36; THENCE S88°30'33"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2608.32 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING, CONTAINING 283.02 ACRES, MORE OR LESS.

ANNEXATION PLAT
 CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1409

ANNEX 1 (agp annex)



ANNEXATION DESCRIPTION:

PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34\"/>

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

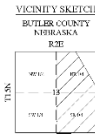
THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____ 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

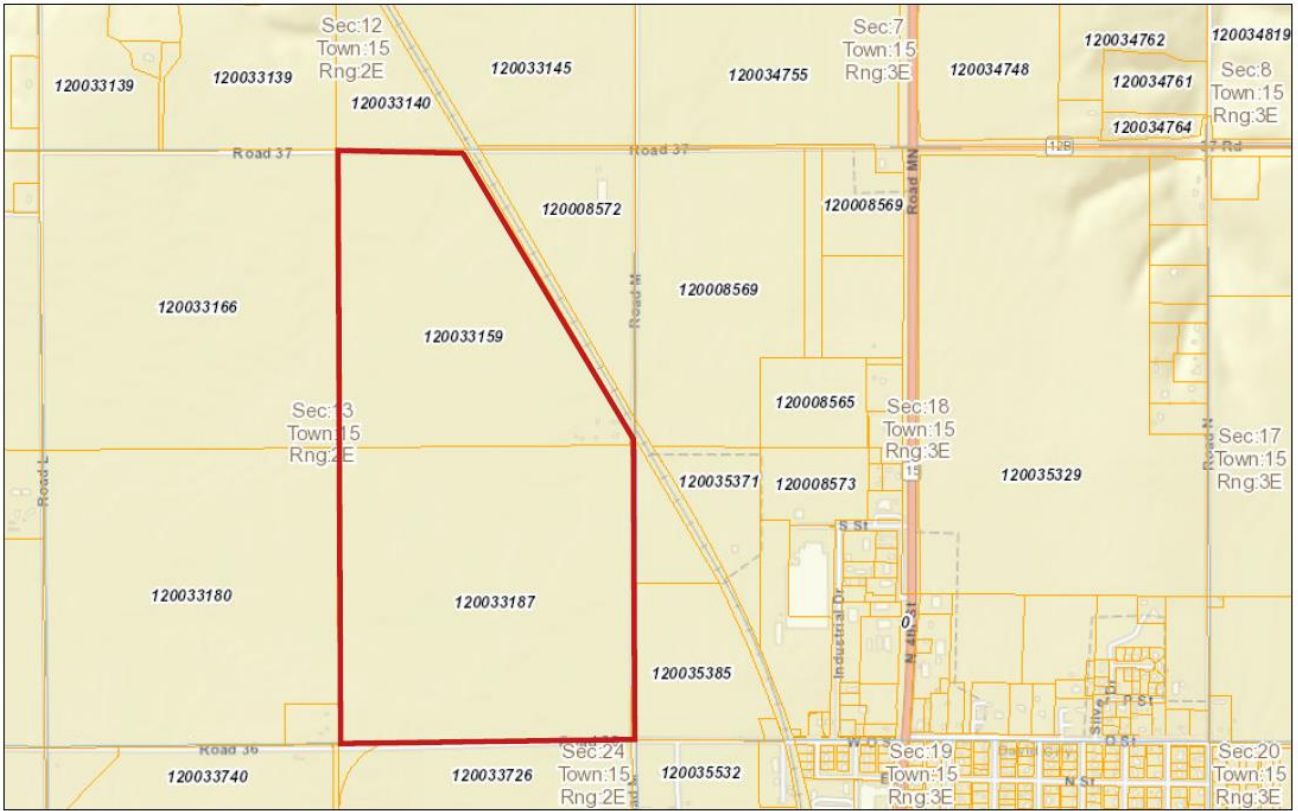
BRIAN J. FORAL, LS 588 _____ DATE _____



PART OF E1/2 SEC. 13
 PART SE1/4 SEC. 12, PART NE1/4
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

PROJECT: R220312
 DATE: 8/21/2022
 DRAWN BY: BJF
 FILE NAME: agp_annex1.dwg
 PLOTTER: PLOT0001
 BUTLER CO. 95
 PLOT DATE: 8/17/2022
 PLOT FILE: FILE 1C

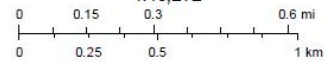


November 15, 2022
09:18 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections

1:18,272



Butler County
gWorks

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Council member Tom Kobus made a motion to adopt Ordinance No. 1410 on 2nd reading only annexing part of the Alan and Rhonda Zavodny property located in the south half of the southeast quarter of Section 12, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S89°56'25"W (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 1396.92 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE N30°24'47"W ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 765.41 FEET; THENCE N89°56'25"E, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 1790.10 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUING N89°56'25"E, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE

S00°29'44"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 660.50 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, THENCE WEST ON SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 24.66 ACRES, MORE OR LESS.. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1410

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

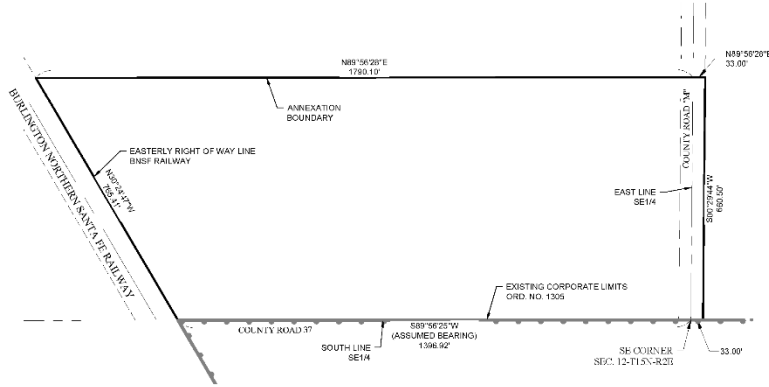
EXHIBIT "A"

ANNEX 2 – Ordinance No. 1410

PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S89°56'25"W (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 1396.92 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE N30°24'47"W ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 765.41 FEET; THENCE N89°56'25"E, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 1790.10 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUING N89°56'25"E, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE S00°29'44"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 660.50 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, THENCE WEST ON SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 24.66 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1410

ANNEX 2



APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

ANNEXATION DESCRIPTION:

PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M. AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S89°58'29\"/>



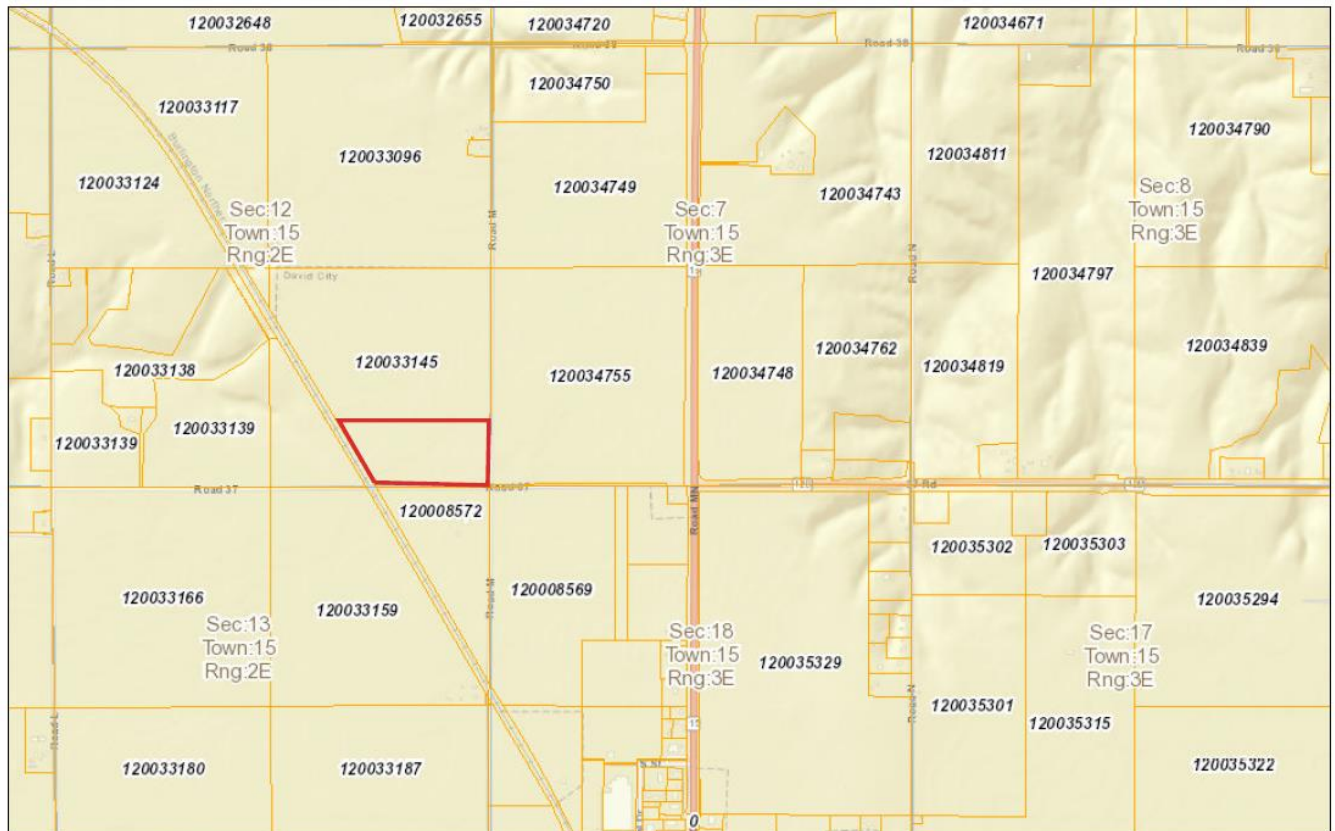
VAN DYKE SURVEY
 BUTLER COUNTY
 NEBRASKA
 R2E



PART OF S1/2 SE1/4
 SEC. 12-T15N-R2E
 & PART OF SW1/4 SEC. 7-T15N-R3E
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

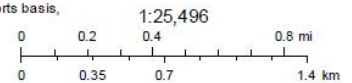
PLAT NO. 221761
 DATE 10/10/2022
 PROJECT AN14
 FILE # 2022-007
 REVISION BUTLER CO. 82
 REVISION B1P
 SURVEY FILE # 15



November 15, 2022
 09:26 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
 gWorks.

Council member Pat Meysenburg made a motion to adopt Ordinance No. 1411 on 2nd reading only annexing the McLaughlin, Holoubek, Callaway Rolloffs, LLC and Kobza and part of Burlington Northern railroad properties located in part of the SW quarter of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE S89°49'04"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 1342.17 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE NORTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 685 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE N00°14'57"W ON SAID WEST LINE, A DISTANCE OF 1960.68 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE S89°52'10"W ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, A

DISTANCE OF 1133.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°12'02"W ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2612.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LESS. DISTANCE OF 2612.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LESS.. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1411

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

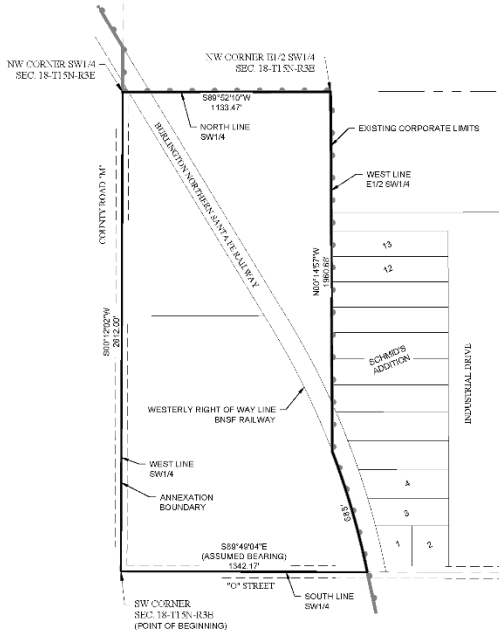
EXHIBIT "A"

ANNEX 3 – Ordinance No. 1411

PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE S89°49'04"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 1342.17 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE NORTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 685 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE N00°14'57"W ON SAID WEST LINE, A DISTANCE OF 1960.68 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE S89°52'10"W ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1133.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°12'02"W ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2612.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
ORDENANCE NO. 1411

ANNEX 3



ANNEXATION DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE S89°49'04"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, A DISTANCE OF 1342.17 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE NORTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 845 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE N00°145'7"W ON SAID WEST LINE, A DISTANCE OF 1800.88 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE S89°52'10"W ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1133.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°12'02"W ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2612.03 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAJOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

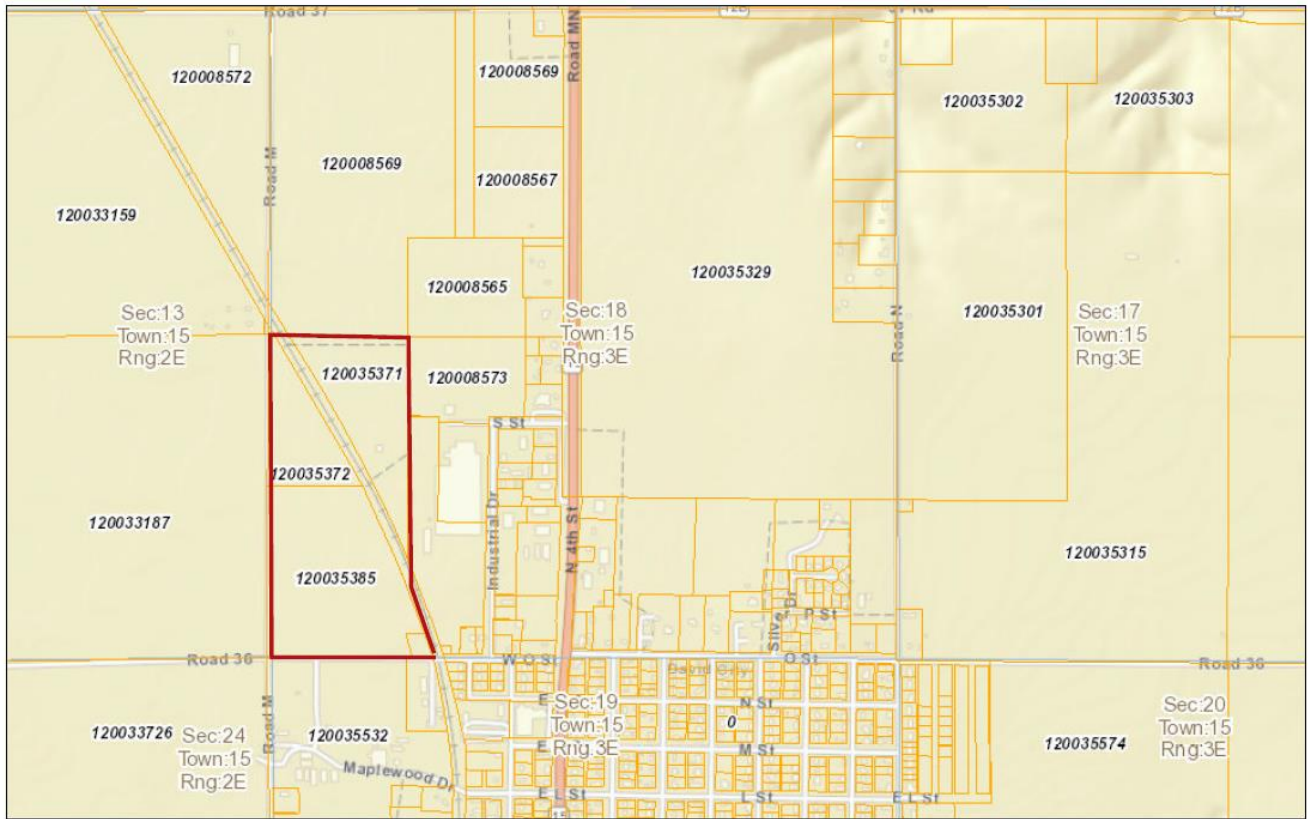
VERITY SKETCH
 BUTLER COUNTY
 NEBRASKA
 2022



PART OF THE SW 1/4
 SEC. 16-T15N-R3E
 BUTLER COUNTY, NEBRASKA

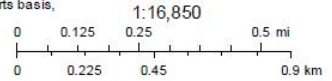
ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDENANCE NO. _____

T. 15 N. R. 3 E. S. 16
 221761
 603/2022
 6084
 2022-10-10
 BUTLER CO. 80
 18-10-20
 BJF
 1 OF 1



November 15, 2022 09:29 AM
 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks.

Council member Bruce Meysenburg made a motion to adopt Ordinance No. 1412 on 2nd reading only annexing the Butler County Ag Society, AC Storage, LLC, and Butler County Noxious Weed properties located in part of the Northwest quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2642.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE S88°27'55"E ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1342.20 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1052.13 FEET TO THE NORTHEAST CORNER OF LOT 1, PERKINS AND THORPE PLACE; THENCE N89°24'49"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S00°02'09"W ON THE WEST LINE OF LOTS 1 AND 2 OF

SAID PERKINS AND THORPE PLACE, A DISTANCE OF 523.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N87°52'00"W ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 92, PAGE 986, A DISTANCE OF 466.44 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'24"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 1080.21 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N88°12'34"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 519.57 FEET TO THE POINT OF BEGINNING, CONTAINING 58.9 ACRES, MORE OR LESS.. Council Member Tom Kobus seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1412

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

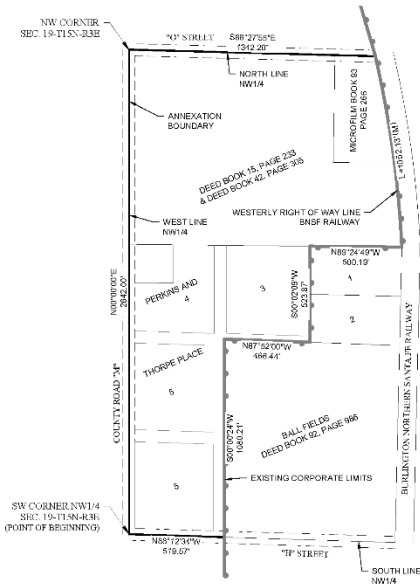
EXHIBIT "A"

ANNEX 4 – Ordinance No. 1412

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2642.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE S88°27'55"E ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1342.20 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1052.13 FEET TO THE NORTHEAST CORNER OF LOT 1, PERKINS AND THORPE PLACE; THENCE N89°24'49"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S00°02'09"W ON THE WEST LINE OF LOTS 1 AND 2 OF SAID PERKINS AND THORPE PLACE, A DISTANCE OF 523.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N87°52'00"W ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 92, PAGE 986, A DISTANCE OF 466.44 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'24"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 1080.21 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N88°12'34"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 519.57 FEET TO THE POINT OF BEGINNING, CONTAINING 58.9 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
ORDENANCE NO. 1412

ANNEX 4



ANNEXATION DESCRIPTION:

PART OF THE NORTHWEST QUARTER OF SECTION 19, T09N24P15 NORTH RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2842.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE S80°27'55"E ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1342.20 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1052.13 FEET TO THE NORTHEAST CORNER OF LOT 1, PERKINS AND THORPE PLACE; THENCE N86°24'49"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S60°02'03"W ON THE WEST LINE OF LOTS 1 AND 2 OF SAID PERKINS AND THORPE PLACE, A DISTANCE OF 523.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N87°52'00"W ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 92, PAGE 588, A DISTANCE OF 486.44 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°02'24"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 1020.21 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N88°12'34"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 519.57 FEET TO THE POINT OF BEGINNING, CONTAINING 55.9 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAJOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

VERACITY SKETCH

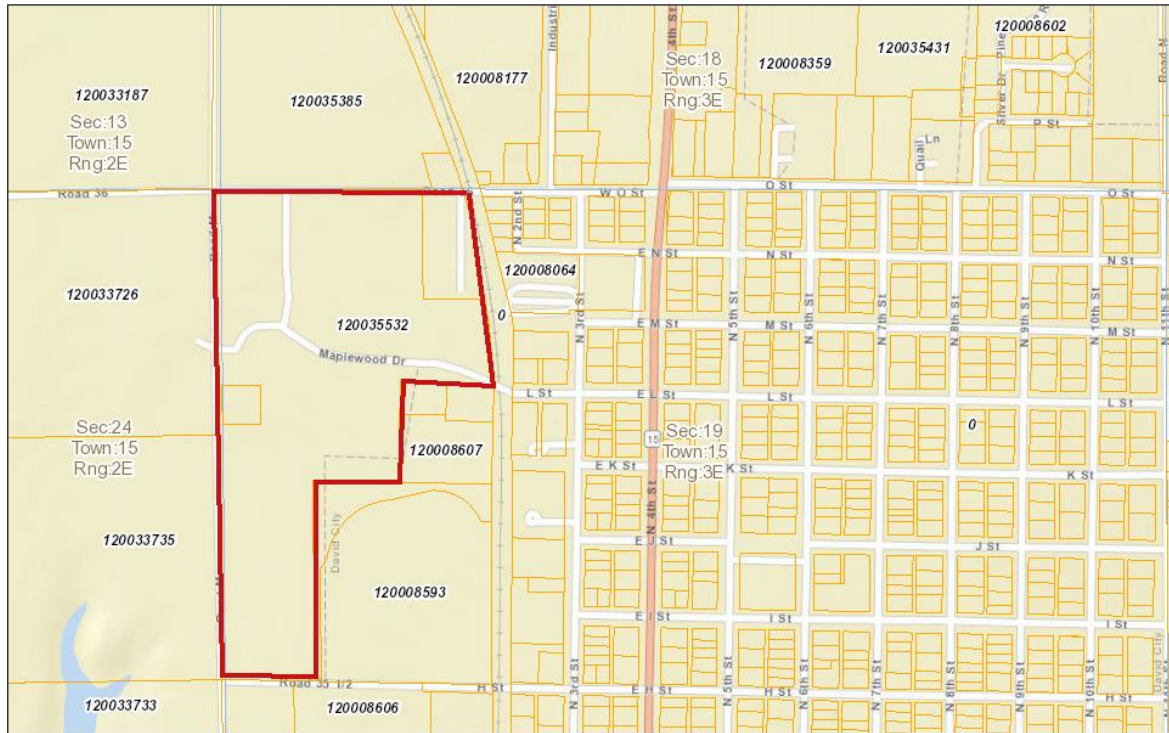
BUTLER COUNTY
NEBRASKA



TOWNSHIP: T15N
 RANGE: R03E
 COUNTY: BUTLER CO., NE
 SURVEYOR: BJF
 DATE: 11/15/22

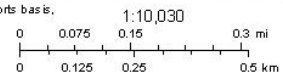
PART OF THE NW1/4
 SEC. 19-T15N-R3E
 BUTLER COUNTY, NEBRASKA
 ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDENANCE NO. _____

PLAT PREPARED BY: B. J. FORAL, LS 588, REGISTERED LAND SURVEYOR, BUTLER COUNTY, NEBRASKA. DATE: 11/15/22.



November 15, 2022 13:50 PM DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks

Council member Bruce Meysenburg made a motion to adopt updated Ordinance No. 1413 as amended on 2nd reading only annexing part of the Mark & Willow Holoubek property and all of the Russ & Loretta Daro property located in part of the east half of the SE quarter of Section 24, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1771.39 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N89°33'50"E, PARALLEL WITH AND 300.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 740.00 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 388.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A

DISTANCE OF 740.47 FEET; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 1062.28 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°44'12"E ON SAID NORTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 33.51 ACRES, MORE OR LESS.. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1413

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

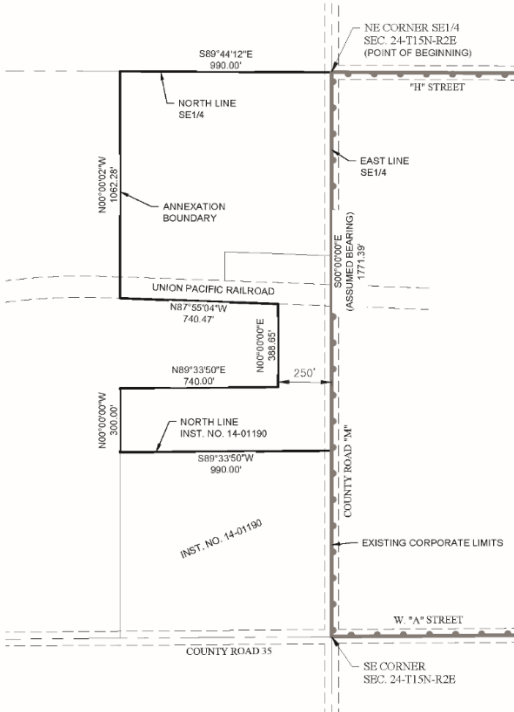
EXHIBIT "A"

ANNEX 5A – Ordinance No. 1413 (12-05-2022):

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1771.39 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N89°33'50"E, PARALLEL WITH AND 300.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 740.00 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 388.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 740.47 FEET; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 1062.28 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°44'12"E ON SAID NORTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 33.51 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. **1413**

ANNEX 5A (12-5-2022)



ANNEXATION DESCRIPTION:

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1771.39 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N00°00'00"W PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N89°33'50"E, PARALLEL WITH AND 300.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 740.00 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 388.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 740.47 FEET; THENCE N00°00'00"W PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 1092.28 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°44'12"E ON SAID NORTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 33.51 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL LS 588 _____ DATE _____

PART OF THE SE1/4
 SEC. 24-T15N-R2E
 BUTLER COUNTY, NEBRASKA

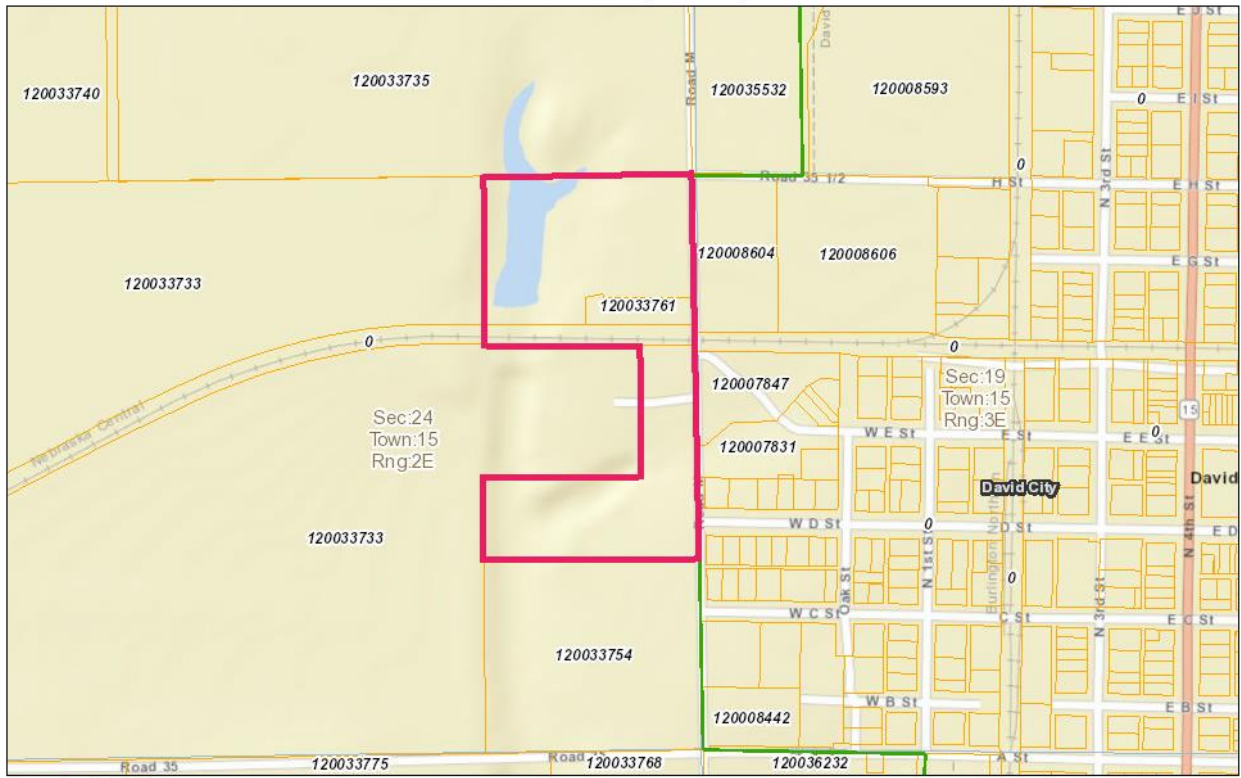
ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

VICINITY SKETCH



PROJECT NO: 221761
 DATE: 12/5/2022
 DRAWN BY: AWH
 FILE NAME: [anna-5a.dwg](#)
 FIELD BOOK: BUTLER CO. 93
 FIELD CREW: B/JF
 SUMMARY FILE NO: _____

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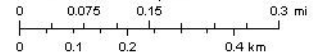


December 6, 2022
08:49 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:9,028

- City Names
- Sections
- Corporate Limits
- Parcels



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks

Council member Pat Meysenburg made a motion to adopt Ordinance No. 1414 on 2nd reading only annexing the Amy Slama (J.M. & Delores Lanspa) property located in part of the SE quarter of the SE quarter of Section 24, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 870.34 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°33'50"E ON SAID SOUTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.78 ACRES, MORE OR LESS.. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1414

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

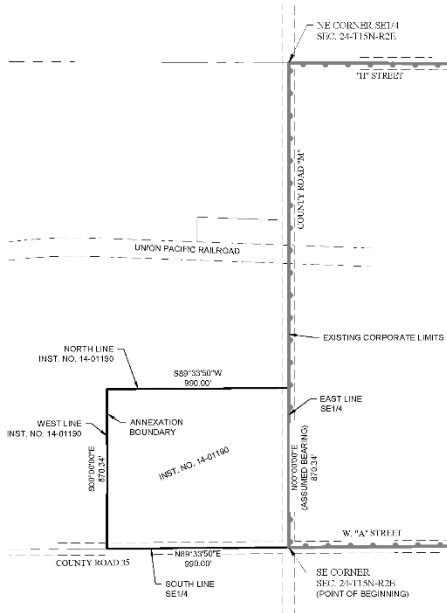
EXHIBIT "A"

ANNEX 5B – Ordinance No. 1414

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 870.34 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°33'50"E ON SAID SOUTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.78 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
ORDENANCE NO. 1414

ANNEX 5B



ANNEXATION DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 970.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 970.34 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N49°33'50"E ON SAID SOUTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.75 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 DATE _____

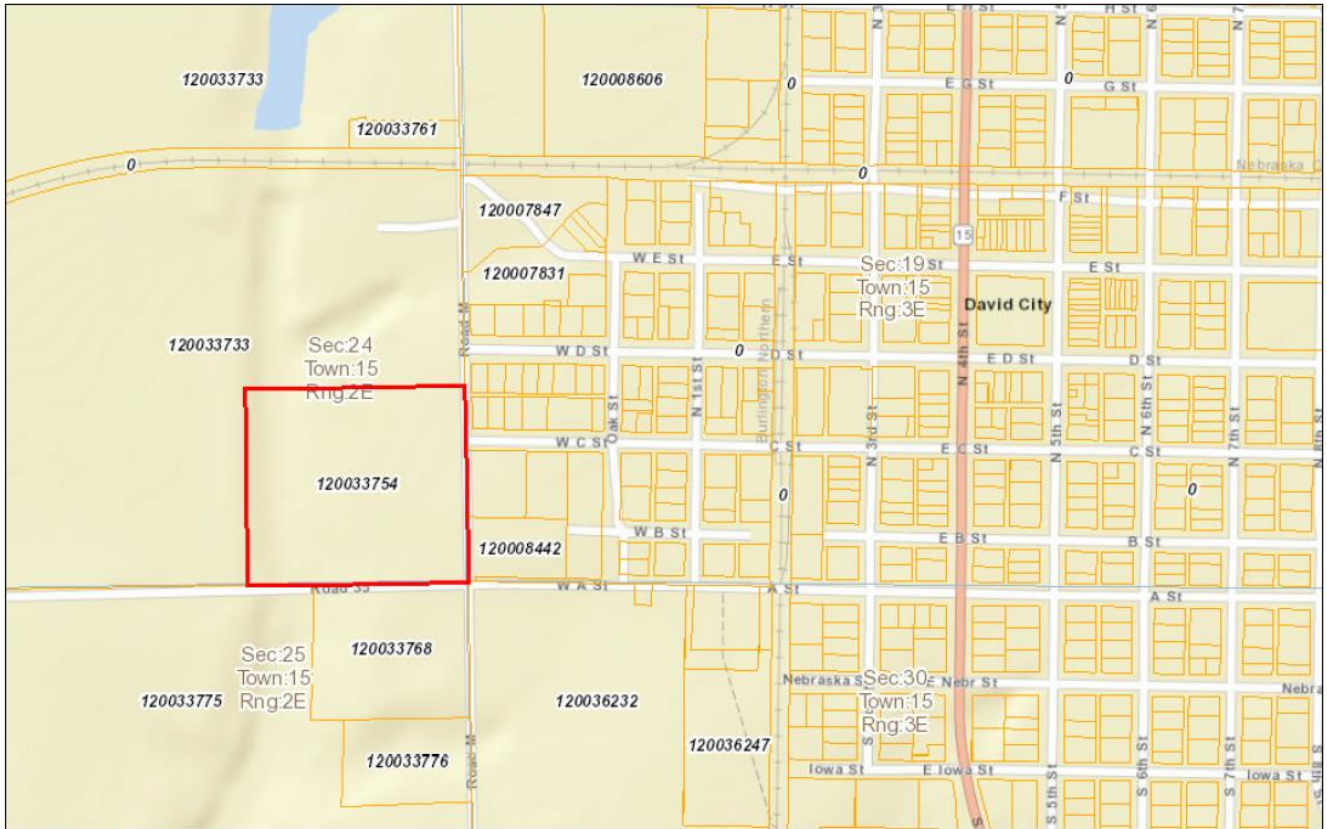
VERACITY SKETCH
 BUTLER COUNTY
 NEBRASKA
 R26



PART OF THE SE1/4 SE1/4
 SEC. 24-T15N-R2E
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDENANCE NO. _____

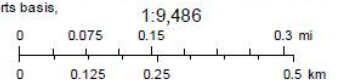
TOWN: 15N
 RANGE: 2E
 SECTION: 24
 COUNTY: BUTLER
 STATE: NEBRASKA



November 15, 2022
09:36 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks.

Council member Kevin Woita made a motion to adopt Ordinance No. 1415 on 2nd reading only annexing the Aquinas High School, City of David City properties located in part of the south half of the SW quarter of Section 29, part of SE quarter of the SW quarter and the SE quarter of Section 30, part of the East half of the West half of Section 31, all of the West half of Section 32, all in Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 30, PART OF THE NORTHWEST QUARTER AND PART OF THE EAST HALF OF SECTION 31, PART OF THE WEST HALF OF SECTION 32, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 14 NORTH RAGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE N01°21'15"W (ASSUMED

BEARING) ON THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 1331.48 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE N89°45'27"W ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1333.36 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN FILMBOOK 08-871; THENCE N34°22'45"W ON SAID EASTERLY LINE, A DISTANCE OF 2439.79 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N01°57'25"W ON SAID EAST LINE, A DISTANCE OF 1987.43 FEET TO THE NORTHEAST CORNER OF SAID SECTION 31; THENCE N00°38'10"W ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 34; THENCE N89°31'03"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1320.98 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N00°51'36"W ON SAID EAST LINE, A DISTANCE OF 1599.03 FEET TO THE SOUTH LINE OF THE NORTH 1000 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE N89°42'59"W ON SAID SOUTH LINE, A DISTANCE OF 1236.54 FEET TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 15; THENCE N89°42'59"W ON THE WESTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 169.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 15; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 10 COURSES: S00°52'19"E, 338.00 FEET; S09°47'51"E, 202.41 FEET; N89°07'41"E, 5.00 FEET; S01°05'11"E, 424.70 FEET; S31°54'27"E, 70.17 FEET; S00°26'21"E, 605.47 FEET; S23°40'48"E, 67.15 FEET; S01°46'33"E 150.82 FEET; S09°31'10"W, 101.98 FEET; S02°02'01"E, 2357.08 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE S89°44'34"E ON SAID SOUTH LINE, A DISTANCE OF 76.60 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE S89°38'52"E ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1883.02 FEET TO THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 ON A SURVEY BY TIMOTHY J. ROBINSON LS-625 DATED 3/13/2006; THENCE S34°22'45"E ON SAID WESTERLY LINE, A DISTANCE OF 1422.81 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32; THENCE S01°57'26"E ON SAID WEST LINE, A DISTANCE OF 160.45 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.50 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 33; THENCE S89°41'30"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2639.51 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N00°18'30"E ON SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 342.79 ACRES, MORE OR LESS.. Council Member Pat Meysenburg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1415

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

EXHIBIT "A"

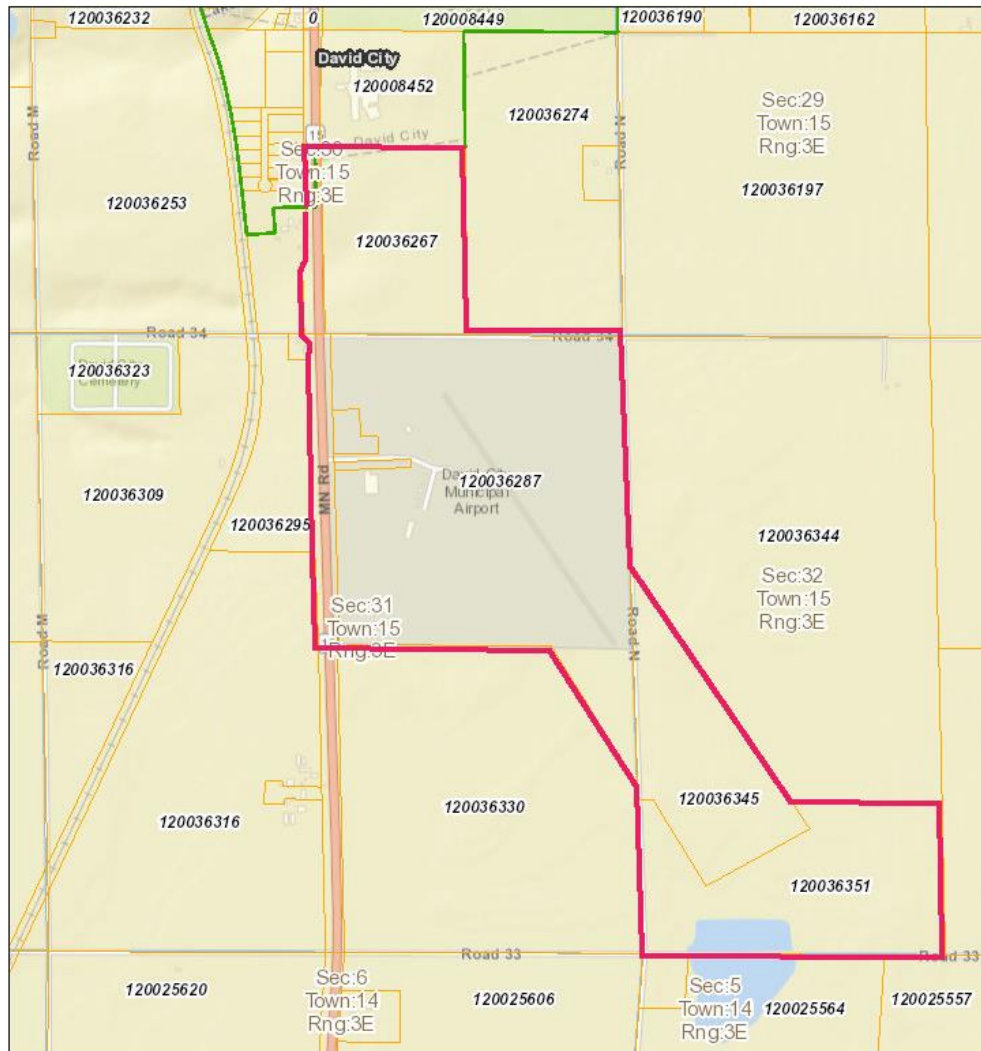
ANNEX 6 – Ordinance No. 1415 - (12-05-2022)

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 30, PART OF THE NORTHWEST QUARTER AND PART OF THE EAST HALF OF SECTION 31, PART OF THE WEST HALF OF SECTION 32, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 14 NORTH RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE N01°21'15"W (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 1331.48 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE N89°45'27"W ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1333.36 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN FILMBOOK 08-871; THENCE N34°22'45"W ON SAID EASTERLY LINE, A DISTANCE OF 2439.79 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N01°57'25"W ON SAID EAST LINE, A DISTANCE OF 1987.43 FEET TO THE NORTHEAST CORNER OF SAID SECTION 31; THENCE N00°38'10"W ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 34; THENCE N89°31'03"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1320.98 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N00°51'36"W ON SAID EAST LINE, A DISTANCE OF 1599.03 FEET TO THE SOUTH LINE OF THE NORTH 1000 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE N89°42'59"W ON SAID SOUTH LINE, A DISTANCE OF 1236.54 FEET TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 15; THENCE N89°42'59"W ON THE WESTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 169.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 15; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 10 COURSES: S00°52'19"E, 338.00 FEET; S09°47'51"E, 202.41 FEET; N89°07'41"E, 5.00 FEET; S01°05'11"E, 424.70 FEET; S31°54'27"E, 70.17 FEET; S00°26'21"E, 605.47 FEET; S23°40'48"E, 67.15 FEET; S01°46'33"E 150.82 FEET; S09°31'10"W, 101.98 FEET; S02°02'01"E, 2357.08 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE S89°44'34"E ON SAID SOUTH LINE, A DISTANCE OF 76.60 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE S89°38'52"E ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1883.02 FEET TO THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 ON A SURVEY BY TIMOTHY J. ROBINSON LS-625 DATED 3/13/2006; THENCE S34°22'45"E ON SAID WESTERLY LINE, A DISTANCE OF 1422.81 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32; THENCE S01°57'26"E ON SAID WEST LINE, A DISTANCE OF 160.45 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.50 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S01°26'32"E ON

THE WEST LINE OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 33; THENCE S89°41'30"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2639.51 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N00°18'30"E ON SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 342.79 ACRES, MORE OR LESS.



ANNEX 6 (12-6-2022)

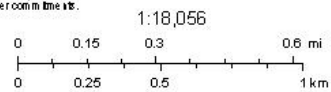


December 6, 2022

DISCLAIMER: This map is not intended to convey a case, nor is it a legal survey. The information is presented on an as-built basis, and should not be relied upon for making financial, survey, legal or other commitments.

Legend

- City Names
- Corporate Limits
- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

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Council member Bruce Meysenburg made a motion to adopt Ordinance No. 1416 on 2nd reading only annexing the Charles & Patricia Oborny, and John Trawicke, and City of David City properties located in part of the SW quarter of the NW quarter and part of the NW quarter of the SW quarter, all in Section 20, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE

SOUTHWEST QUARTER, ALL IN SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE N00°34'38"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1006.45 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-01091; THENCE EASTERLY ON THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING FIVE COURSES: S89°52'40"E, 384.90 FEET; S01°22'00"E, 144.13 FEET; S89°04'33"E, 170.00 FEET; S02°09'54"W, 49.50 FEET; S89°46'57"E, 694.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S00°34'36"E, A DISTANCE OF 423.60 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-00893; THENCE S00°34'36"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°39'36"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 61.40 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 19-01821; THENCE S89°42'36"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 149.52 FEET; THENCE N89°39'36"W, PARALLEL WITH AND 149.5 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 878.05 FEET TO THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2018-01180 THENCE N00°42'36"W ON SAID EAST LINE, A DISTANCE OF 149.53 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE N89°39'36"W ON SAID SOUTH LINE, A DISTANCE OF 310.05 FEET TO THE POINT OF BEGINNING, CONTAINING 28.25 ACRES, MORE OR LESS.

. Council Member Pat Meysenburg seconded the motion. The motion carried.
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1416

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;

(c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;

(d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;

(e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and

(f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

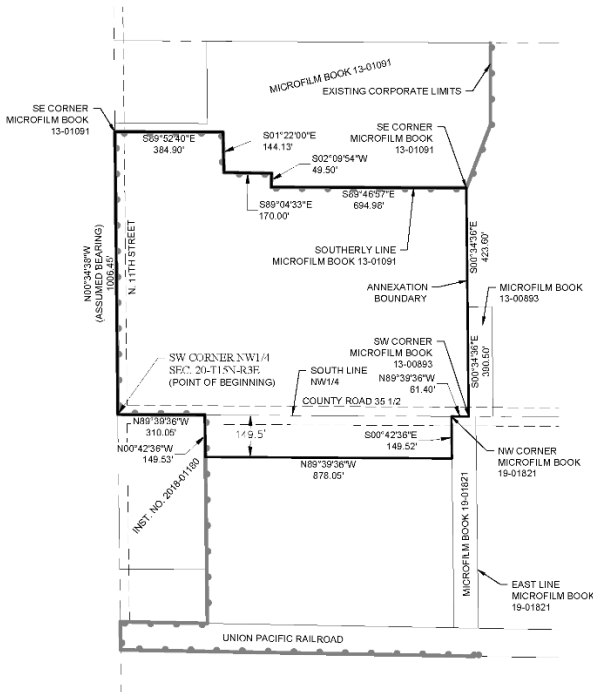
EXHIBIT "A"

ANNEX 7 – Ordinance No. 1416 (12-05-2022)

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE $N00^{\circ}34'38''W$ (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1006.45 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-01091; THENCE EASTERLY ON THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING FIVE COURSES: $S89^{\circ}52'40''E$, 384.90 FEET; $S01^{\circ}22'00''E$, 144.13 FEET; $S89^{\circ}04'33''E$, 170.00 FEET; $S02^{\circ}09'54''W$, 49.50 FEET; $S89^{\circ}46'57''E$, 694.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE $S00^{\circ}34'36''E$, A DISTANCE OF 423.60 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-00893; THENCE $S00^{\circ}34'36''E$ ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE $N89^{\circ}39'36''W$ ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 61.40 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 19-01821; THENCE $S89^{\circ}42'36''E$ ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 149.52 FEET; THENCE $N89^{\circ}39'36''W$, PARALLEL WITH AND 149.5 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 878.05 FEET TO THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2018-01180 THENCE $N00^{\circ}42'36''W$ ON SAID EAST LINE, A DISTANCE OF 149.53 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE $N89^{\circ}39'36''W$ ON SAID SOUTH LINE, A DISTANCE OF 310.05 FEET TO THE POINT OF BEGINNING, CONTAINING 28.25 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1416

ANNEX 7 (12-05-2022)



ANNEXATION DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE N00°34'39"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1006.45 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-01091; THENCE EASTERLY ON THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING FIVE COURSES: S89°52'40"E, 384.90 FEET; S01°22'00"E, 144.13 FEET; S89°04'33"E, 170.00 FEET; S02°09'54"W, 49.50 FEET; S89°46'57"E, 684.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S00°34'36"E, A DISTANCE OF 423.80 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-00893; THENCE S00°34'30"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°39'36"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 81.40 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 19-01821; THENCE S89°42'36"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 149.52 FEET; THENCE N89°39'36"W, PARALLEL WITH AND 149.5 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 878.05 FEET TO THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2018-01169; THENCE N00°42'38"W ON SAID EAST LINE, A DISTANCE OF 149.53 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE N89°39'36"W ON SAID SOUTH LINE, A DISTANCE OF 310.05 FEET TO THE POINT OF BEGINNING, CONTAINING 28.25 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

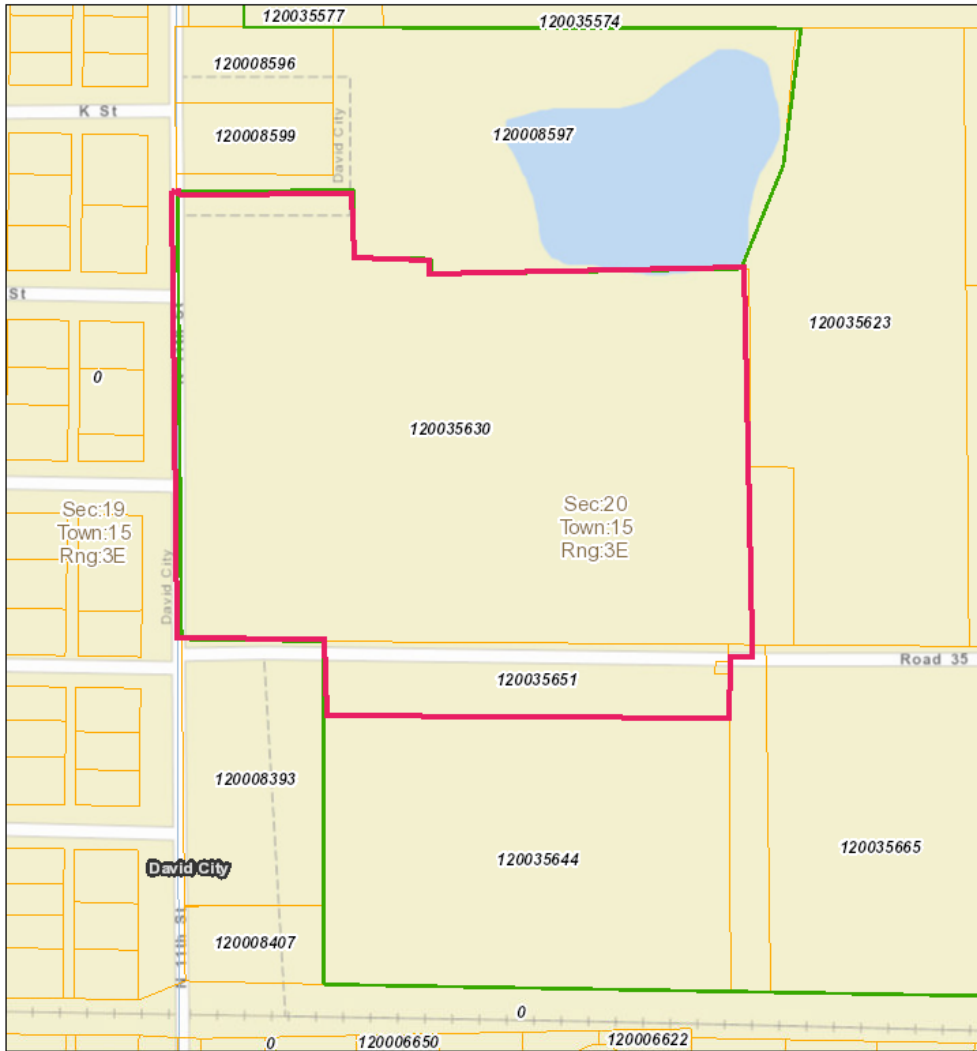
BRIAN J. FORAL, LS 588 DATE _____

PART OF THE SW 1/4 NW 1/4
 PART OF THE NW 1/4 SW 1/4
 SEC. 20, T15N, R3E OF THE SIXTH P.M.
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

PROJECT NO. 221781
 DATE 12/5/2022
 TOWN BY AMH
 REVISION 7/20
 FILE NO. BUTLER CO. 03
 FILE CREW BJF
 SURVEY FILE NO. _____



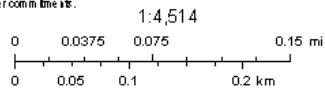


December 6, 2022

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on an asbest-possible basis, and should not be relied upon for making financial, survey, legal or other commitments.

Legend

- City Names
- Corporate Limits
- Parcels
- Sections



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, © OpenStreetMap contributors, and the GIS User Community

Butler County
gworks

Council member Tom Kobus made a motion to adopt Ordinance No. 1417 on 2nd reading only annexing the St Mary's Catholic Church, John & Maureen Coufal and State of Nebraska properties located in part of the SW quarter of the NW quarter of Section 29, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST

CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 495.44 FEET TO THE SOUTHWEST CORNER OF HILDY ESTATES FIRST ADDITION TO THE CITY OF DAVID CITY; THENCE S88°46'34"E ON THE SOUTH LINE OF SAID HILDY ESTATES FIRST ADDITION, A DISTANCE OF 490.11 FEET TO THE SOUTHEAST CORNER OF SAID HILDY ESTATES FIRST ADDITION; THENCE CONTINUING S88°46'34"E, A DISTANCE OF 259.61 FEET; THENCE S00°00'00"E, A DISTANCE OF 165.00 FEET; THENCE S88°46'34"E, A DISTANCE OF 400.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 330.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N88°46'34"W ON SAID SOUTH LINE, A DISTANCE OF 1149.72 FEET TO THE POINT OF BEGINNING, CONTAINING 11.56 ACRES, MORE OR LESS.. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1417

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands,

streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

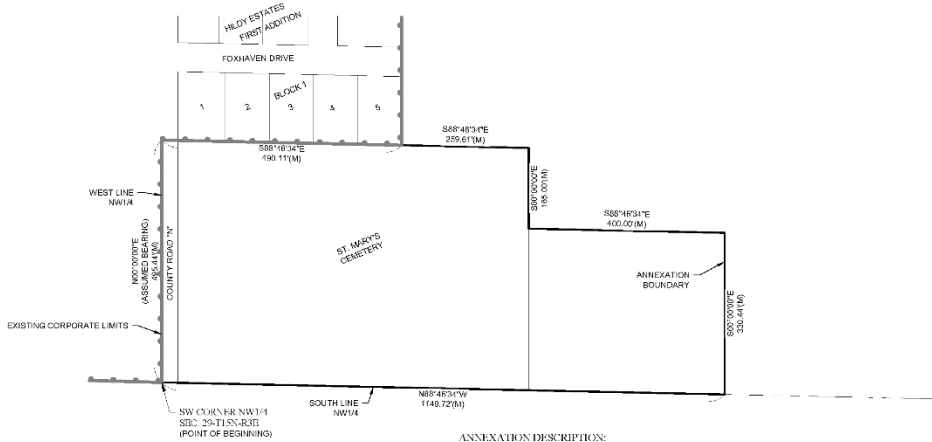
EXHIBIT "A"

ANNEX 9 – Ordinance 1417

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 495.44 FEET TO THE SOUTHWEST CORNER OF HILDY ESTATES FIRST ADDITION TO THE CITY OF DAVID CITY; THENCE S88°46'34"E ON THE SOUTH LINE OF SAID HILDY ESTATES FIRST ADDITION, A DISTANCE OF 490.11 FEET TO THE SOUTHEAST CORNER OF SAID HILDY ESTATES FIRST ADDITION; THENCE CONTINUING S88°46'34"E, A DISTANCE OF 259.61 FEET; THENCE S00°00'00"E, A DISTANCE OF 165.00 FEET; THENCE S88°46'34"E, A DISTANCE OF 400.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 330.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N88°46'34"W ON SAID SOUTH LINE, A DISTANCE OF 1149.72 FEET TO THE POINT OF BEGINNING, CONTAINING 11.56 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
ORDINANCE NO. 1417

ANNEX 9



ANNEXATION DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE N0°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 485.44 FEET TO THE SOUTHWEST CORNER OF HILDY ESTATES FIRST ADDITION TO THE CITY OF DAVID CITY; THENCE S88°48'34"E ON THE SOUTH LINE OF SAID HILDY ESTATES FIRST ADDITION, A DISTANCE OF 480.11 FEET TO THE SOUTHWEST CORNER OF SAID HILDY ESTATES FIRST ADDITION; THENCE CONTINUING S88°48'34"E, A DISTANCE OF 285.61 FEET; THENCE S00°00'00"E, A DISTANCE OF 195.00 FEET; THENCE S88°48'34"E, A DISTANCE OF 400.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 332.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N88°48'34"W ON SAID SOUTH LINE, A DISTANCE OF 1148.72 FEET TO THE POINT OF BEGINNING, CONTAINING 11.56 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 583 _____ DATE _____

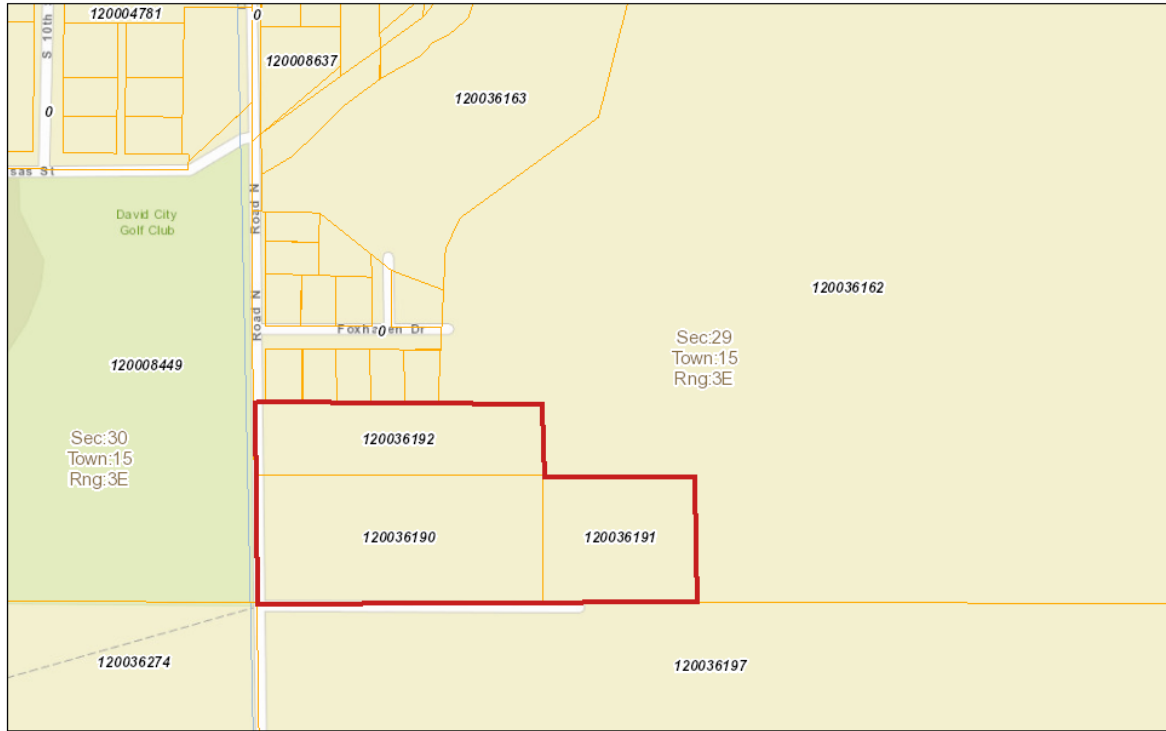
PART OF THE SW1/4 NW1/4
 SEC. 29-T15N-R3E OF THE SIXTH P.M.
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

TITLE: 221761
 DATE: 05/09/2022
 DRAWN BY: AJH
 CHECKED BY: [Signature]
 FILED: 05/09/2022
 COUNTY: BUTLER
 COUNTY CLERK: BJF

VELOCITY SKETCH
 BUTLER COUNTY
 NEBRASKA

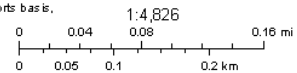




November 15, 2022
13:48 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
GIS

Council member Tom Kobus made a motion to adopt Ordinance No. 1418 annexing none.. Council Member Kevin Woita seconded the motion. The motion Failed.
Tom Kobus: Nay, Bruce Meysenburg: Nay, Pat Meysenburg: Nay, Jessica Miller: Nay, John Vandenberg: Absent, Kevin Woita: Nay
Yea: 0, Nay: 5, Absent: 1

ORDINANCE NO. 1418 - UPDATED

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Failed on 2nd reading
Mayor Alan Zavodny

Failed on 2nd reading
City Clerk Tami Comte

EXHIBIT "A"

ANNEX 8 – Ordinance No. 1418

NONE

Council member Pat Meysenburg made a motion to adopt Ordinance No. 1419 on 2nd reading only annexing the Richard & Beverly Bennett and Don Saalfeld properties located in part of the NE quarter of the NE quarter of Section 25, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below, to wit, PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S89°33'50"W (ASSUMED BEARING) ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 707.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 13-01242; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 605.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°33'50"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 11-01108; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 361.63 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°48'14"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 655.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AND THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE CONTINUING S89°48'14"E ON THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE N00°00'00"E ON SAID EAST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 974.23 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE S89°33'50"W ON SAID NORTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 16.05 ACRES, MORE OR LESS.. Council Member Tom Kobus seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1419

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
 - (e) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this _____ day of December, 2022.

Passed on 2nd reading only
Mayor Alan Zavodny

Passed on 2nd reading only
City Clerk Tami Comte

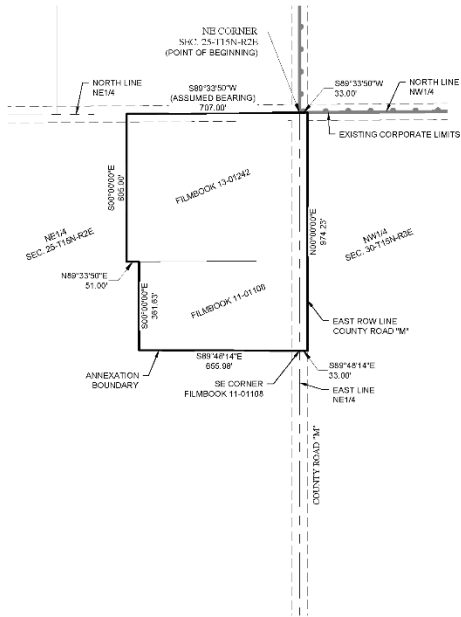
EXHIBIT "A"

ANNEX 5C – Ordinance No. 1419

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S89°33'50"W (ASSUMED BEARING) ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 707.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 13-01242; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 605.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°33'50"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 11-01108; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 361.63 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°48'14"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 655.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AND THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE CONTINUING S89°48'14"E ON THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE N00°00'00"E ON SAID EAST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 974.23 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE S89°33'50"W ON SAID NORTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 16.05 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDENANCE NO. 1419

ANNEX 5C



ANNEXATION DESCRIPTION:

PART OF THE NORTH-EAST QUARTER OF THE NORTH-EAST QUARTER OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH-EAST CORNER OF SAID SECTION 25, THENCE S89°33'50\"/>

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAJOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

NE 1/4 NE 1/4 SEC. 25-T15N-R2E
 NW 1/4 NW 1/4 SEC. 30-T15N-R3E
 BUTLER COUNTY, NEBRASKA

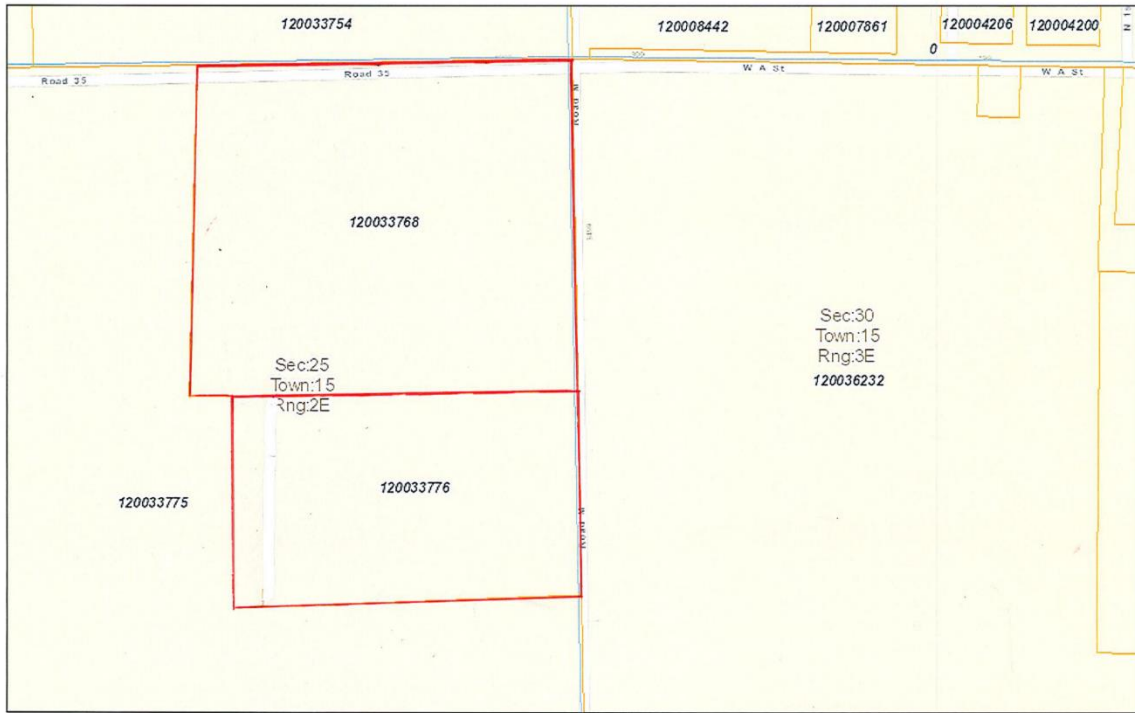
ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDENANCE NO. _____

VELOCITY SKETCH
 BUTLER COUNTY
 NEBRASKA
 R2E



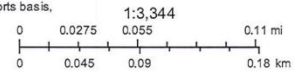
TITLE: 221761
 DATE: 02/22/22
 DRAWN BY: BJF
 CHECKED BY: BJF
 SCALE: AS SHOWN

PLAT PREPARED BY: B. J. FORAL, LS 588, REGISTERED LAND SURVEYOR, BUTLER COUNTY, NEBRASKA



November 16, 2022 08:23 AM DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

-  Parcels
-  Sections



Council member Kevin Woita made a motion to approve quote of DC Door in the amount of \$5,550 to replace the overhead door at City Maintenance building at 174 E Street. Council Member Tom Kobus seconded the motion. The motion carried.
 Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
 Yea: 5, Nay: 0, Absent: 1



ESTIMATE

12/06/2022
 SID #: 2212028

Prepared By: Nate Scott

Customer: David City Utility Dept
 Address: 557 N 4th St
 PO Box 95
 David City, NE 68632
 Contact: Pat Hoeft
 Phone:
 Email: pat3197@windstream.net

Job Name: North door
 Jobsite Address: 490 E St
 David City, NE 68632

JOB ITEMS	
Provide and Install 1 - 14'2" X14'1" Low Headroom Amarr model 2742 with 4 - 26" X13" Insulated acrylic windows	\$5,550.00
Price includes Removal of existing door Reconnect existing opener Perimeter weather stripping	
Does not include disposal of existing door	
TOTAL	\$5,550.00

TERMS & CONDITIONS

All proposals include standard manufacturer's warranty and one year labor warranty.
 Spring pads, backing for tracks, door jambs, and all wiring including motor, photo eyes and control stations to be done by others unless stated otherwise above.
 Due to current market volatility proposals will only be good for 10 days even on competitively bid projects.

Thank you for the opportunity to provide you with an Estimate for the above scope of work. If you have any questions or comments, please call me at or email me at nate@vandenbergelectric.com.

This Estimate expires on 12/16/2022

Nate Scott, Vandenberg Electric & Communications LLC

Please remit to:
 Vandenberg Electric & Communications LLC
 595 N 4th St
 David City, NE 68632
 Email: nate@vandenbergelectric.com

_____ Date
 Please sign (Shows Approval)

_____ Date
 Please print Above Name

Council member Pat Meysenburg made a motion to adjourn. Council Member Tom Kobus seconded the motion. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:19 p.m.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1



CERTIFICATION OF MINUTES
December 7, 2022

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of December 7, 2022; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami Comte, City Clerk