

PLANNING COMMISSION  
February 11, 2023  
8:00 AM

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 490 E Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the west wall of the meeting room.

Chairman Jim Masek also notified the public that if you wish to speak to the Commission to please state your name and address for the record.

Present: Planning Commission members Greg Aschoff, Robert Hilger, Jim Vandenberg, Pam Kabourek, Jim Masek, Alternate Member Brian Small, City Clerk Tami Comte, and Deputy City Clerk Lori Matchett.

Also present were Building Inspector Gary Meister, City Council member Keith Marvin, Arps Red-E-Mix Representative Kevin Woita, and JEO Consultant Brian Foral.

Planning Commission member Pam Kabourek made a motion to accept the minutes of the January 14, 2023 meeting as presented. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea; Jim Vandenberg; Yea. Yea: 5, Nay: 0.

Planning Commission member Jim Masek made a motion to open the public hearing at 8:01 a.m. to consider a replat of 11th Street between "A" Street and "F" Street (Nebraska Central Railroad) and properties adjacent thereto. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Brian Foral of JEO Consulting introduced himself. He presented to the Planning Commission members a final plat for the 11<sup>th</sup> Street Replat. He is trying to clean up a portion of the 11<sup>th</sup> Street plat. There have been planning issues that date back to the 1800's that haven't been corrected or resolved. The city tried fixing it a couple of different times and based on the deeds it really hasn't been resolved. So, the best thing to do is to replat the strip and the areas in question that would be attached to the property owners lots.

Planning Commission member Greg Aschoff added to Brian Foral explanation. "It doesn't actually change anything; the property owners already think they own that now and they don't actually own it. This is just to correct that."

Brian Foral wants to have the 11<sup>th</sup> Street Addition corrected and replated to correct the past errors and conflicts.

Planning Commission member Jim Masek made a motion to close the public hearing at 8:12 a.m. for consideration of the replat of 11th Street between "A" Street and "F" Street (Nebraska Central Railroad) and properties adjacent thereto. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Pam Kabourek made a motion to recommend approval of the replat of 11th Street between "A" Street and "F" Street (Nebraska Central Railroad) and

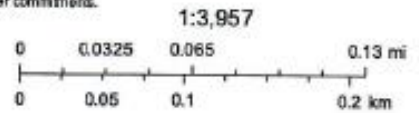




August 23, 2021

- Legend
- Parcels
  - Sections

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.



Source: 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

COUNTY SURVEYOR'S REPORT  
MILES 3RD AND MILES 7TH ADDITIONS TO DAVID CITY, BUTLER COUNTY, NEBRASKA

The purpose of this report is to identify and explain the relationship and discrepancies between Miles 7th Addition, "West 11th Street", "East 11th Street", and the location of the SE corner of Section 19-15-3 (also being the SW corner of Section 20-15-3).

Miles 7th Addition was platted by Bouse, approved on Dec. 14, 1904. As stated and depicted in the plat, it is a representation of that area lying between East David City, and Miles 3rd Addition, with "West 11th Street" lying to the west and "East 11th Street" lying to the east. The section corner location is shown, but no monument is identified. The Blocks were conveyed to David City in 1906.

"West 11th Street" is an 80' wide street right-of-way lying east of and adjacent to, Miles 3rd Addition.

"East 11th Street" is 66' wide, centered on the east line of Section 19, lying west of and adjacent to, East David City. This street is likely in the same location as an old section line County Road.

The south line of Block 1, Miles 7th Addition is recorded as being 17' wide. A subsequent plat of Martin's Subd. (vacated), surveyed by Bodensteiner (6-3-1974; Clerk's Slide No. 32) also depicts the area lying between Miles 3rd Addition and East David City. The Martin's Subd. plat shows the distance between Miles 3rd Addition and East David City to be about 26' longer than shown on the Miles 7th Addition plat (at the south line of said Block 1). This discrepancy is likely due to:

- 1) Bouse making some type of measurement error in his platting of Miles 7th Addition

or

- 2) Bouse using a section corner location which was about 26' west of the present section corner location. I note that in a previous survey by myself of the south line of Section 20-15-3 (3-27-1985; Microfilm Bk. 85 p.1542), I measured the  $W\frac{1}{2}$  mile to be 25.47' shorter than the  $E\frac{1}{2}$  mile.

This 26' excess could be viewed as a separate tract of land but, in my opinion, it is actually a part of Miles 7th Addition, as the Addition was intended to depict the area lying between "West 11th Street" and "East 11th Street". Thus, the south line of Block 1 is 17' recorded, but about 43' actual length.

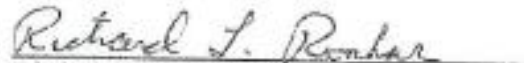
Martin's Subd. is a replatting of Miles 7th Addition, "West 11th Street", and the West Half of "East 11th Street". The plat was vacated by David City Ordinance No. 611. Section 3 of said Ordinance states "All streets, alleys and public grounds within such vacated Addition are hereby reserved by the City of David City, Nebraska". The westerly portion of "East 11th Street" is shown as 57'-67' wide in the plat (formerly 33' wide in Miles 7th Addition plat). The wording in Section 3 appears to dictate that this 57'-67' right-of-way would remain so, but that would include and overlap the Blocks in Miles 7th Addition, which is the very reason that the Martin's Subd. plat was vacated - see Section 4 of said Ordinance. The location of the west right-of-way line of "East 11th Street" is critical to subsequent deed descriptions in this area. In my opinion, the vacation of Martin's Subd. results in "East 11th Street" reverting back to its original width of 66', being 33' wide on each side of the section line.

David City Ordinance No. 613 vacates the West Half of "West 11th Street". This Ordinance does not purport to assign this vacated land to any particular adjoining owner. I could not find any record of vacation of the East Half of "West 11th Street".

A Referee's Deed, executed Dec. 13, 1990 and recorded in Microfilm Bk. 90 page 1345, conveys Lot 5, Block 6, Miles 3rd Addition and land lying between said Lot 5 and "11th Street as it is presently used and occupied as a public street, which tract can best be described as the South 100 feet of Block 2, of the vacated Martin's addition ....". The second part of this quoted statement, referring to Block 2 of Martin's Subd., seems to indicate that the first part of the quoted statement refers to 11th Street as having a 57' width, lying west of the section line, as shown in the vacated Martin's Subd. plat. I note that this deed description includes the East Half of "West 11th Street" which has not been vacated, and also includes a portion of Block 2, Miles 7th Addition, which was previously conveyed to David City.

A survey by Stevenson (9-16-1992; Survey Bk. 12 p.24) depicts the area lying between Block 6, Miles 3rd Addition, and "East 11th Street". Stevenson's survey, and Lot 5 Description contained therein, appear to delineate and expand upon, the description contained in the aforementioned Referee's Deed. Stevenson shows Block 2, Miles 7th Addition having its recorded widths of 12' at the south end and 6' at the north end. Stevenson does not show the width of "East 11th Street", but since his distances shown for Block 2 of vacated Martin's Subd. correspond to that plat, the westerly portion of "East 11th Street" should constitute a 57' wide right-of-way.

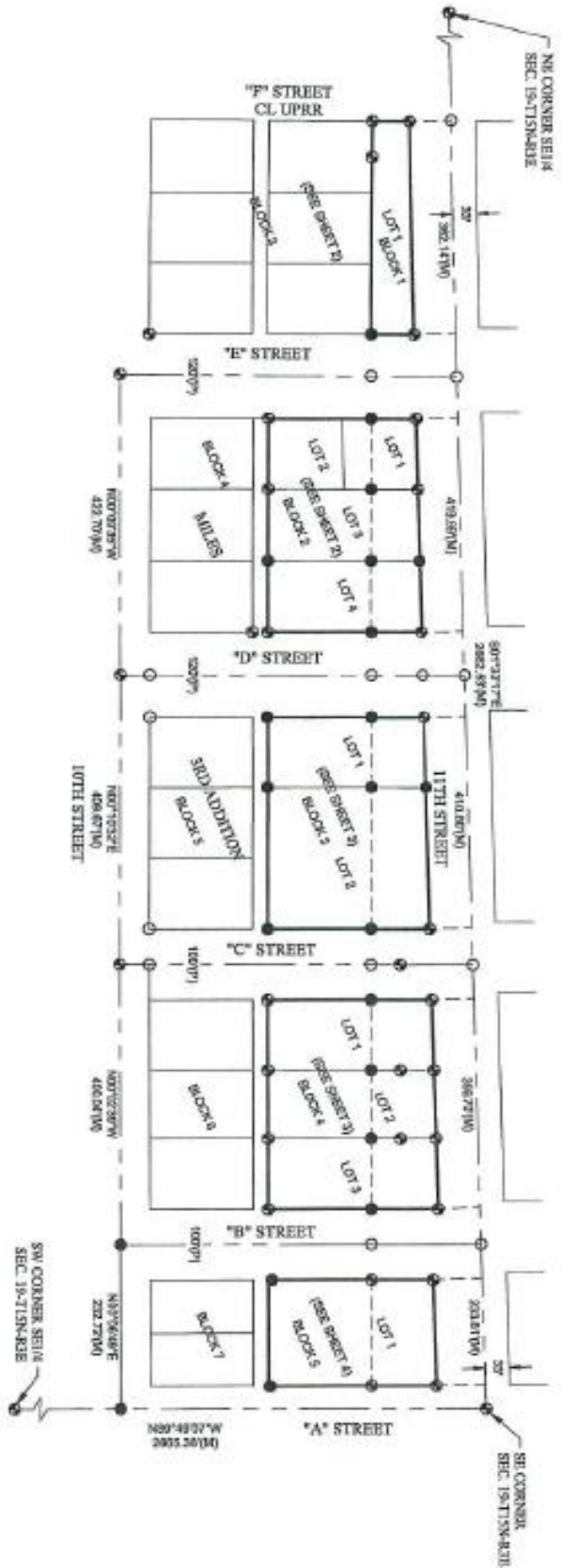
In my opinion, this area remains in a state of conflict and confusion.

  
Richard L. Ronkar  
Butler County Surveyor  
April 25, 2011

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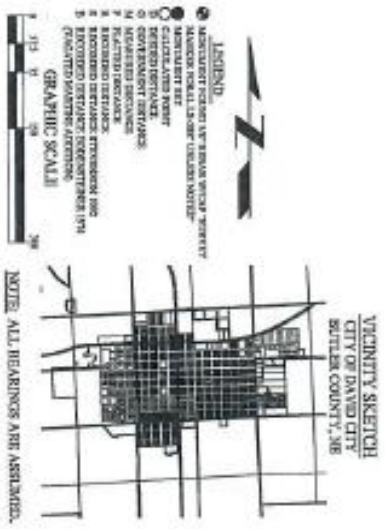
FILE:///C:/Users/DAVID/OneDrive/Desktop/11th\_2023/11th\_Plan\_19-215N-R3E.dwg

**FINAL PLAT**  
**11TH STREET ADDITION**  
 A REPLAT OF MILES 7TH ADDITION  
 EAST HALF OF BLOCK 4, EAST HALF OF BLOCK 5, EAST HALF OF BLOCK 6  
 AND THE EAST HALF OF BLOCK 7, ALL IN MILES 3RD ADDITION,  
 VACATED 11TH STREET AND PART OF 11TH STREET  
 CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA



**SURVEYORS STATEMENT:**  
 I, DAVID J. FORBIL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THE 11TH STREET ADDITION HAS BEEN SURVEYED BY ME AND THAT THE LEGAL DESCRIPTION OF THE BOUNDARY OF THE 11TH STREET ADDITION AS SHOWN IN THE PERMETER DESCRIPTION, PERMANENT MONUMENTS HAVE BEEN SET AT ALL LOT CORNERS.

DAVID J. FORBIL, L.S. 488 \_\_\_\_\_ DATE \_\_\_\_\_



- LEGEND**
- 1. ADJACENT TO THE 11TH STREET ADDITION
  - 2. 11TH STREET ADDITION
  - 3. 11TH STREET
  - 4. 11TH STREET
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  - 100. 11TH STREET

NOTE: ALL BEARINGS ARE ASSUMED.

PROJECT NO.	21161
DATE	02/08/23
DRAWN BY	AMH
CHECKED BY	DAVID J. FORBIL
SCALE	AS SHOWN
PLAT NO.	1 OF 8

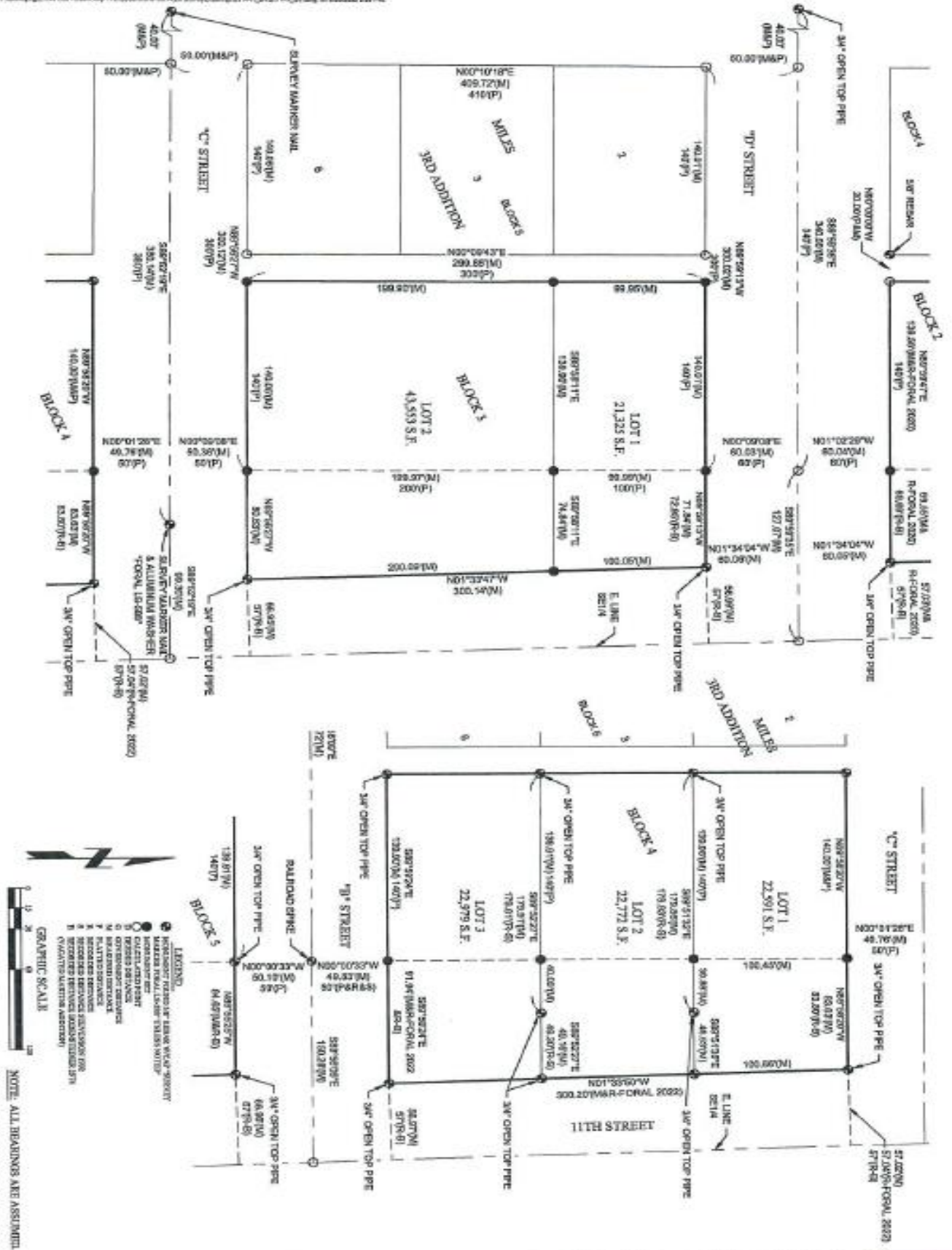
11TH STREET ADDITION

A REPLAT OF MILES 7TH ADDITION  
 E1/2 BLOCKS 4, 5, 6 & 7 MILES 3RD ADD.  
 VACATED 11TH STREET &  
 PART OF 11TH STREET, DAVID CITY  
 BUTLER COUNTY, NEBRASKA





Filepath: \\D:\144 L01 - David City 11th Street 2023 Survey\Drawings\144 L01 2023 11th St.dwg, at 02/02/2023 2:00 PM









Filepath: \\g2114103 - David City File Server\DATA\Survey\11th\Survey\Drawing\21100\_11th\11th\_01.dwg, on 02/09/2023 2:04:00

JASON G. QUARRELL \_\_\_\_\_ CONNOR N. QUARRELL \_\_\_\_\_

STATE OF NEBRASKA )  
 COUNTY OF BUTLER ) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME JASON G. QUARRELL, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

STATE OF NEBRASKA )  
 COUNTY OF BUTLER ) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME CONNOR N. QUARRELL, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

STATE OF NEBRASKA )  
 COUNTY OF BUTLER ) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME BERTHA BERTRANDERZ BEJAS, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

TRACY E. PICKETT \_\_\_\_\_ TRACY E. PICKETT \_\_\_\_\_

STATE OF NEBRASKA )  
 COUNTY OF BUTLER ) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME TRACY E. PICKETT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

STATE OF NEBRASKA )  
 COUNTY OF BUTLER ) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME TRACY E. PICKETT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

STATE OF NEBRASKA )  
 COUNTY OF BUTLER ) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME DAVID CITY, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2022.



A REPLAT OF MILES 7TH ADDITION  
 E1/2 BLOCKS 4, 5, 6 & 7 MILES 3RD ADD.  
 VACATED 11TH STREET &  
 PART OF 11TH STREET, DAVID CITY  
 BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

NOTARY No. 271461  
 DATE 02/09/2023  
 EXPIRES 02/09/2024  
 My Commission Expires  
 STATE OF NEBRASKA  
 DAVID CITY  
 BUTLER COUNTY  
 6 OF 8

Planning Commission Minutes - David City 11th Street Addition - 2/11/23

FRED J. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME FRED J. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

BEVERLY F. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME BEVERLY F. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

WENDELL E. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME WENDELL E. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

DOUGLAS B. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME DOUGLAS B. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

NANCY J. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME NANCY J. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

WENDELL E. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME WENDELL E. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

WENDELL E. OSBORN

STATE OF NEBRASKA )  
 ) SS  
 COUNTY OF BUTLER

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME WENDELL E. OSBORN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARIAL SEAL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC: \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_



A REPLAT OF MILES 7TH ADDITION  
 E1/2 BLOCKS 4, 5, 6 & 7 MILES 3RD ADD.  
 VACATED 11TH STREET &  
 PART OF 11TH STREET, DAVID CITY  
 BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

RECORDED BY: 21-1481  
 DATE: 02/22/23  
 COUNTY: BUTLER  
 FILE NO.: 424  
 EXPIRES: 11/14/24  
 INSTRUMENT: D.L. #2  
 RECORDER: [Signature]  
 DAVID CITY, NE  
 68801-1481

7 OF 8



Planning Commission member Jim Masek made a motion to combine agenda items six and eight for the public hearings on the Future Land Use Map and the Official Zoning Map. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Jim Masek made a motion to open the public hearing at 8:13 a.m. for the consideration of amending the Future Land Use Map and Official Zoning Map by changing the zoning classifications for real estate as requested by Arps Red-E-Mix, described as, 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. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Kevin Woita with Arps Red-E-Mix introduced himself. Kevin is asking for the rezoning of this property to allow them to build a Red-E-Mix plant for operation. The property would consist of a Red-E-Mix plant to produce concrete. It will have a complete business there. It will contain a 60 by 100 building with shop and office, good sized aggregate storage and a retention pond on the northwest side containing all the runoff. Arps is looking to have the whole area paved for the plant. In the current zoning of Transitional Agriculture what they are planning to build is not currently allowed so rezoning the property to Heavy Industrial will allow them to build a Red-E-Mix plant.

Planning Commission member Jim Masek made a motion to close the public hearing at 8:19 a.m. for the consideration of amending the Future Land Use Map and Official Zoning Map for the real estate requested by Arps Red-E-Mix. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Jim Vandenberg made a motion to recommend to the City Council the amendment to the Future Land Use Map by changing the zoning classification from Agricultural Crop to Heavy Industrial for real estates as requested by Arps Red-E-Mix. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Pam Kabourek made a motion to recommend to the City Council the amendment to the Official Zoning Map by changing the zoning classification from Transitional Agriculture to Heavy Industrial for the real estate requested by Arps Red-E-Mix. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.



PAID  
JAN 19 2023  
CITY OF DAVID CITY  
DAVID CITY UTILITIES

### DAVID CITY PLANNING COMMISSION

#### TYPE OF ACTION REQUESTED

- Conditional Use \$100.00     Vacate request: alley, street, etc. \$50.00
- Rezoning/Zoning Amendment \$150.00

#### LEGAL DESCRIPTION OF THE PROPERTY:

See Attach

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#### DESCRIPTION OF THE PROJECT:

Apex Red-5-Mix. Would like to build  
a Concrete Ready mix Plant and Ready mix operation  
Change From Transitional Ag to Industrial II

[Signature]  
Applicant's Signature

.....

#### FOR CITY USE ONLY

Date received: 1-19-2023 By: Jami Comte

Fee Paid:  Yes \$ 150<sup>00</sup>  No

Hearing Date: 2-11-2023

Hearing Notice Published:  Yes  No

Adjoining Landowners Notified  Yes  No

Action Taken: Planning Commission is recommending to the City Council the  
amendment to the Future Land Use Map and Official Zoning Map by changing  
the zoning classifications from Agricultural Crop/Transitional Agriculture to  
Heavy Industrial. Approved 2/11/2023 by Planning Commission.

**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.

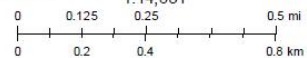


February 15, 2023  
 15:42 PM

- Parcels
- Sections

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.

1:14,631





Next item on the agenda was discussion on a temporary well for the Arps Red-E-Mix Plant. Kevin Woita from Arps Red-E-Mix introduced himself. Kevin and Arps concerns are how they are going to get water to the property to make concrete at the new location with the infrastructure not currently to that location. The timeline for the plant to be up and ready would be soon after the delivery of the plant. Delivery of the plant would be around July, 2023. Arps would also like to have a portable plant similar to what they have had at the in-town location in the past. They are looking to have 100 to 150 gallons per minute service. The previous owner had two wells that had been decommissioned. Kevin is looking for recommendations on how to get water to the new Arps locations. Options that need to be looked at are the water service from Akrs to Arps's property and running line from Akrs to Arps. Checking with Aurora Coop on the use of their well and crossing the road to temporarily service Arps, and installing a potable well.

There were several questions that were brought up to ask Ethan Joy with JEO Consulting about laying pipe and getting water service to Arps. The Planning Commission recommended that Kevin speak with Ethan Joy and the City Attorney about getting water service to the Arp property.

Planning Commission Member Jim Vandenberg recommended that Kevin have Arps Red-E-Mix placed on the City Council Agenda to discuss getting water to the Arps property.

There being no further business to come before the Planning Commission, Chairman Jim Masek made a motion to adjourn and declared the meeting adjourned at 9:02 a.m.

Minutes by Lori Matchett, Deputy City Clerk

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