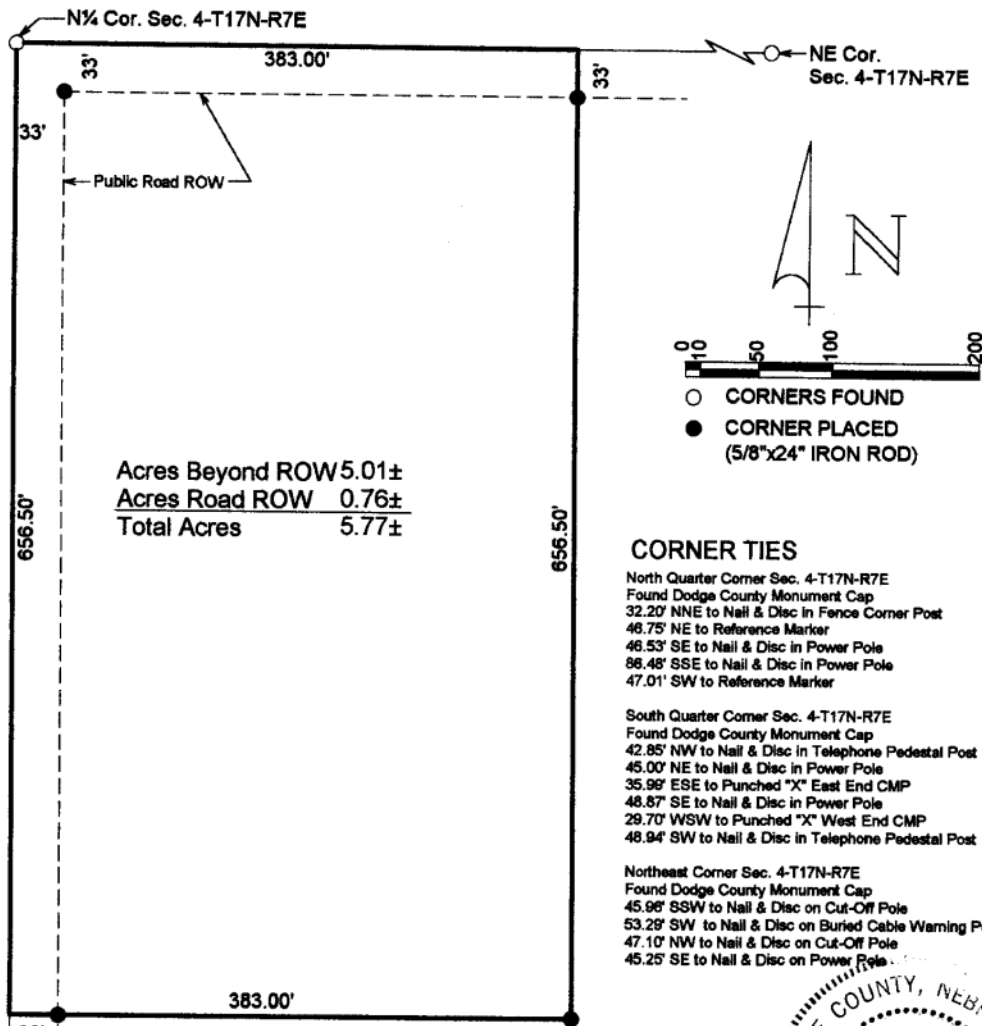


# LEGAL DESCRIPTION

A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 4, Township 17 North, Range 7 East of the 6th P.M., Dodge County, Nebraska containing 5.77 Acres more or less being the West 383.00 feet of the North 656.50 feet being more particularly described as follows :

Commencing at the Northwest Corner of said NW¼NE¼ of Section 4, said point being the point of beginning. and going thence East along the North Margin of said NW¼NE¼ for a distance of 383.00 feet; thence South parallel to the West Margin of said NW¼NE¼ for a distance of 656.50 feet; thence West parallel to the North Margin of said NW¼NE¼ for a distance of 383.00 feet to a point on the West Margin of said NW¼NE¼; thence North along said West Margin for a distance of 656.50 feet to the point of beginning. Said tract being subject to Public Road Right of Way along the North and West Margins.



## CORNER TIES

North Quarter Corner Sec. 4-T17N-R7E  
Found Dodge County Monument Cap  
32.20' NNE to Nail & Disc in Fence Corner Post  
46.75' NE to Reference Marker  
46.53' SE to Nail & Disc in Power Pole  
86.46' SSE to Nail & Disc in Power Pole  
47.01' SW to Reference Marker

South Quarter Corner Sec. 4-T17N-R7E  
Found Dodge County Monument Cap  
42.85' NW to Nail & Disc in Telephone Pedestal Post  
45.00' NE to Nail & Disc in Power Pole  
35.98' ESE to Punched "X" East End CMP  
48.87' SE to Nail & Disc in Power Pole  
29.70' WSW to Punched "X" West End CMP  
48.94' SW to Nail & Disc in Telephone Pedestal Post

Northeast Corner Sec. 4-T17N-R7E  
Found Dodge County Monument Cap  
45.98' SSW to Nail & Disc on Cut-Off Pole  
53.29' SW to Nail & Disc on Buried Cable Warning Post  
47.10' NW to Nail & Disc on Cut-Off Pole  
45.25' SE to Nail & Disc on Power Pole

This plat is hereby approved this 23rd day of November, 2003.

*Dean T. Lux*  
Dean T. Lux, Chairman  
Board of Supervisors

ATTEST: *Fred Mytty*  
Fred Mytty, Dodge County Clerk

I, the undersigned licensed land surveyor, do hereby certify that I have supervised the surveying of the above and that all information is true and correct, to the best of my knowledge.

FILED

PROJECT Kahler Survey in Section 4-T17N-R7E  
BOOK 2005 PAGE 8261  
2005 NOV 29 AM 10:09 BY *Martin L. Winkelman*

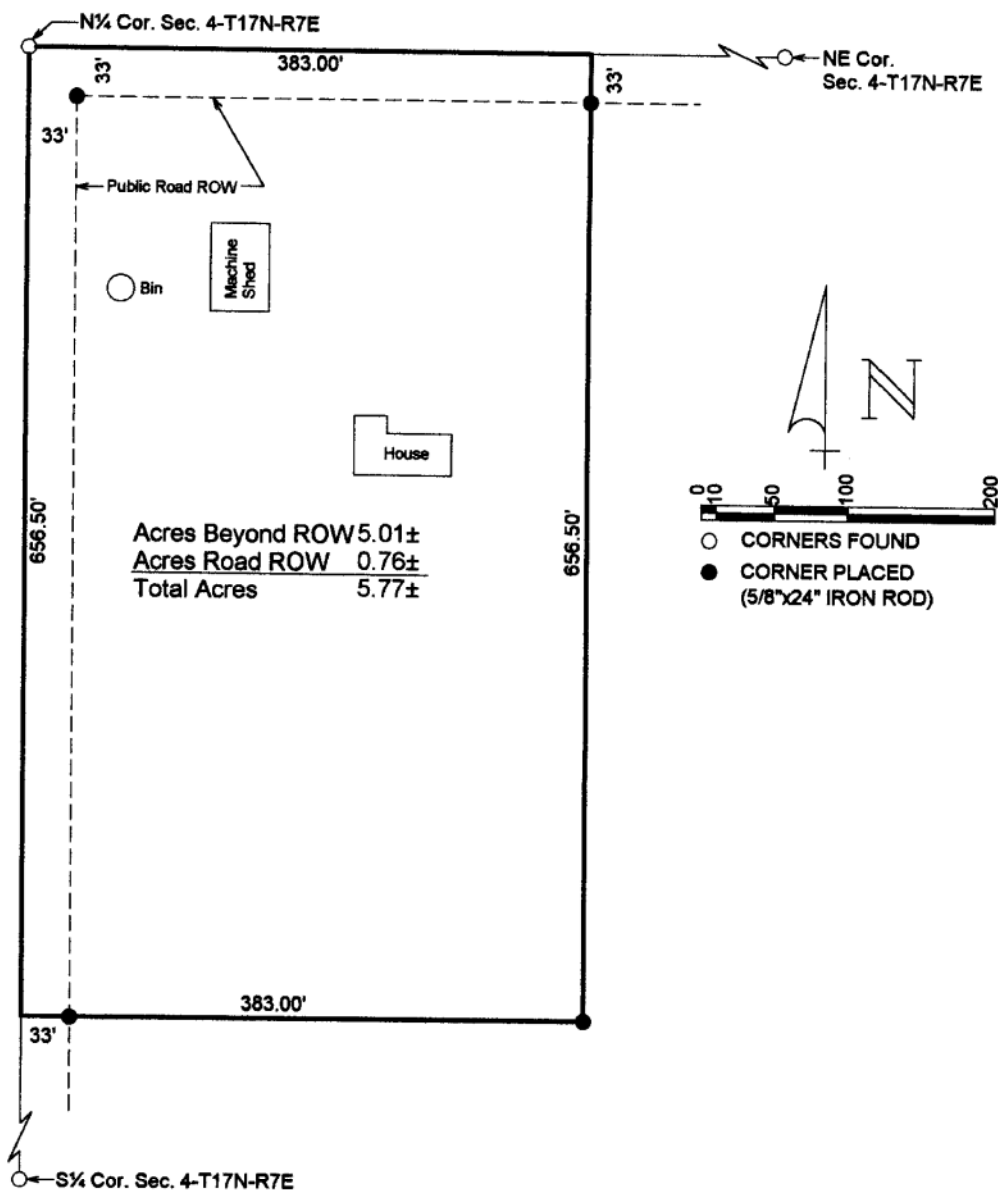
DATE November 2003

*Carol Hivens*  
DODGE COUNTY  
REGISTER OF DEEDS  
COMPARE INDEX FEE \$

L.S. No. 289



KAHLER TOPOGRAPHY PLAT in the Northwest Quarter of the Northeast Quarter of Section 4, Township 17 North, Range 7 East of the 6th P.M., Dodge County, Nebraska.



I, the undersigned licensed land surveyor, do hereby certify that I have supervised the surveying of the above and that all information is true and correct, to the best of my knowledge.

PROJECT Kahler Topography Plat in  
Section 4-T17N-R7E

DATE November 2003

BY

L.S. No.

*Marvin L. Winkelmann*  
LS-289

28



**LOT SPLIT APPLICATION**

Dodge County, Nebraska

Date 10/4/05

Property Owner's Name RONALD D. KAHLER COLLEEN F. KAHLER

Address: 1563 CO. RD. S AMES, NE. 68621

Phone No. 402-721-4059

Legal Description of the Property to be split NW 1/4 OF NE 1/4 SECTION 4 TWP 12 N, RANGE 2 E OF 6TH PM

Number of Acres being split off 5.22 Zoning District proposed split is in A-2

Total Number of Acres the subdivision subdivided from 52.82 acres

Is a new access route needed or proposed? YES or NO

Is a vacation of streets, alleys, setback lines, access control or easement required or proposed? YES or NO

Will a lot split result in significant increase in service requirements; e.g. Utilities, schools, traffic control, streets, county roads, etc. or will it interfere with maintaining existing service levels? YES or NO

Will this action result in a tract without direct access to a street or county road? YES or NO

Has the lot been previously split in accordance with these Regulations? YES or NO

Applicant's Name (print) RONALD D. KAHLER

Applicant's Address 1563 CO. RD. S AMES, NE. 68621

Applicant's Signature Ronald D. Kahler

**OFFICE USE ONLY**

Permit No. 05-13

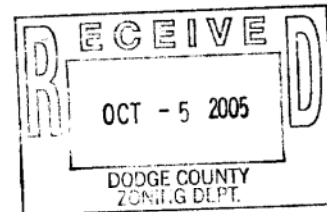
Date 11-15-05 Approved ✓  
Disapproved       

Mark Brabec  
Chairman, Dodge County Planning Commission

Date 11-23-05 Approved ✓  
Disapproved       

Dean T. Luy  
Chairman, Dodge County Board of Supervisors

Dodge County Planning and Zoning Administrator  
435 N. Park, Fremont, NE 68025 402/727-2724



129)  
11-23-05

**MINUTES  
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Vice Chairman, Marlin Brabec at 7:30 P.M., Tuesday, November 15, 2005 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, Nebraska. The following members were present: Benes, Brabec, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Taylor and Garber

The meeting was declared legally convened, due to Public Notice given.

Motion was made by **Rolf** to accept the Minutes of the October 18, 2005 meeting as mailed. Seconded by **Johnson**. Motion carried by voice vote with the following voting yes: Benes, Brabec, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Taylor and Garber.

**PUBLIC HEARING:** Consideration of a request of Ronald D. & Colleen F. Kahler of 1563 County Rd. S, Ames, NE 68621 to subdivide a 5.77 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 13, Section 4.2 B.1 located in the NW 1/4 Section 4, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag.

**NONE**  
Motion to open the hearing was made by **Johnson** and seconded by **Benes**. Motion carried by voice vote. Those voting yes: Brabec, Cooper, Gifford, Johnson, Reynolds, Rolf. Absent: Taylor and Garber.

**Testimony:**

**For:** Ronald & Colleen Kahler were present to explain they wanted to sell the farmstead off as they had no children interested in it and they wanted to go south. Brabec asked if the setbacks were ok. Andrews stated yes. Benes asked if the house was being lived in. Kahler stated yes that they were presently living there.

Andrews stated no communication had been received. No further testimony was taken for the proposal.

**Against:** No communication had been received against the proposal and no one was present to testify against the request.

Motion to close the hearing was made by **Rolf** and seconded by **Gifford**. Motion carried by voice vote. Those voting yes: Cooper, Gifford, Johnson, Reynolds, Rolf, Benes and Brabec. Absent: Taylor and Garber.

**Possible Action:**

Motion to approve the subdivision and conditional use permit was made by **Cooper** and seconded by **Rolf** based on the following reasons: Conditional use conforms to the intent and purpose of the regulations and the comprehensive plan. Motion carried by roll call vote. Those voting yes: Gifford, Johnson, Reynolds, Rolf, Benes, Brabec and Cooper. Absent: Taylor and Garber.

Mr. Kahler was advised the county board would hear the request on Wednesday, November 23, 2005 at 9:30 A.M.

**Public Hearing:** Consideration of a request of Gene H. & Marlene Hilbers of 432 County Rd. 18, Hooper, NE 68031 to subdivide a 5.82 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 B.1 located in the SE 1/4 Section 24, Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by **Gifford** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Johnson, Reynolds, Rolf, Benes, Brabec, Cooper and Gifford. Absent: Taylor and Garber.

**TESTIMONY:**

**For:** Gene & Marlene Hilbers were present to explain their requests. They too, were selling the place with no children interested in it. Brabec wanted to know if they were going south. Their reply was unfortunately no. Rolf asked why the angle in the survey. Was it due to a tree line? Hilbers stated yes, a tree line and the grain bin. Gifford asked about the 25' easement. The survey shows the drive to be a part of the acreage and yet, it definitely describes a 25-foot easement. Hilbers stated it was not part of the acreage. No other testimony was taken for the proposal.

**Against:** No one spoke against the proposal and no communication had been received either for or against it.

Motion to close the hearing was made by **Rolf** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Reynolds, Rolf, Benes, Brabec, Cooper, Gifford and Johnson. Absent: Taylor and Garber.

**Possible Action:**

Motion was made to approve the subdivision and conditional use request by **Johnson** and seconded by **Cooper** based on the conditional use conforms to the intent and purpose of the regulations and the comprehensive plan. Motion carried by roll call vote. Those voting yes: Rolf, Benes, Brabec, Cooper, Gifford, Johnson and Reynolds. Absent: Taylor and Garber.

Mr. Hilbers was advised the request would be heard at the county board meeting at 9:35 A.M. on Wednesday, November 23, 2005.

**Public Hearing:** Consideration of a request of W.B.C. Inc. c/o Charles H. Wagner of 635 E. 4<sup>th</sup> St., Fremont, NE 68025 to request a Final Plat for 6 ten-acre lots located in NE 1/4 and part of NE 1/4 SE 1/4 Section 5, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by **Benes** and seconded by **Reynolds**. Motion carried by voice vote. Those voting yes: Benes, Brabec, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Taylor and Garber.

Motion to have Marlin Brabec abstain from voting was made by **Johnson** and seconded by **Reynolds**. Motion carried by voice vote. Those voting yes: Benes, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Taylor and Garber. Abstention: Brabec.

**TESTIMONY:**

**For:** Charles Wagner and Steve Dodd were present to say that basically nothing was changed from the preliminary plat to the final plat. Andrews asked about the covenants stating where the septic tanks could be allowed as was in his presentation for the preliminary plat. Wagner said he certainly could change the covenants to state the requirements for the location. Benes asked what could be done to ensure there will be enough room for the systems? Wagner stated there would be a requirement to place the septic just so close to the property line by Dodge County's regulations and when they come in for a building permit, it could be addressed. Dodd stated in his letter for the preliminary plat the recommendation not to place the tanks in the steep areas of the lots. Gifford asked if Lot 1 would be accessed off County Road 20 or the Wagner Road. Wagner stated it would be accessed off of Rd. 20, as there was an existing drive. Lot 1 would be the only lot coming off of Road 20. Benes asked what Wagner was planning on doing about the garbage in the ditches. Wagner stated there would be no garbage allowed in the ditches and would be taken care of. Benes asked if it would be removed or buried? Wagner stated there was only one ravine that had trash. He stated the ravine was between Lots 1 and 2. He added that nothing would be allowed in the future. No other testimony was taken in favor of the proposal. *SN*

**Against:** Wayne Jacobsen stated he and 28 other residents and landowners were against the proposal. He showed the board a map of the adjoining landowners and residents that were not in favor of the plat, all within a mile and a half of the plat. He said there was nothing on the checklist to address public opinion. He stated he knew that what he said would not be of any use and thanked them for their time. No one else spoke against the request.

Motion to close the hearing was made by **Benes** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Cooper, Gifford, Johnson, Reynolds, Rolf and Benes. Absent: Taylor and Garber. Abstention: Brabec.

**Possible Action:**

Motion to approve the Final Plat was made by **Gifford** and seconded by **Benes**. Motion carried by roll call vote. Those voting yes: Cooper, Gifford, Johnson, Reynolds, Rolf and Benes. Absent: Taylor and Garber. Abstention: Brabec.

Charles Wagner and Steve Dodd were advised the county board would hear the request on Wednesday, November 23, 2005 in the county boardroom at 9:40 A.M.

**Public Hearing:** Consideration of a request of Donald Bauer c/o Arnie Gebers, Agent for Scribner Agency of P.O. Box K, Scribner, NE 68057 to subdivide 11.14 acres and obtain a Conditional Use Permit for an existing dwelling as per Article 12, Section 4.2 B.1 located in E 1/2 SW1/4 Section 8, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by **Cooper** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Gifford, Johnson, Reynolds, Rolf, Benes, Brabec and Cooper. Absent: Taylor and Garber.

**Testimony:**

**For:** Arnie Gebers, agent for Scribner Agency and Lonnie Niewohner were present to explain the request for the subdivision. Gifford asked if this subdivision was coming off the same area where the last 10.5 lots were. Andrews stated no, those came off of Sharon Bauer ground and this farm stead was coming off of the Donald Bauer 80 acres. Gebers stated Don Bauer has recently moved to a low-income housing place in Scribner and wanted to sell the 11 acres, house and buildings. He stated the prospective purchaser wants to fix up the home and live in it. He added the acreage is along a good county road with good access. No other testimony was taken for the proposal.

**Against:**

No one was present against the proposal and no communication had been received.

Motion to close the hearing was made by **Gifford** and seconded by **Rolf**. Motion carried by voice vote. Those voting yes: Johnson, Reynolds, Rolf, Benes, Brabec, Cooper and Gifford. Absent: Taylor and Garber.

**Possible Action:**

Motion to approve the subdivision and conditional use request was made by **Gifford** and seconded by **Benes** based on the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. Motion carried by roll call vote. Those voting yes: Reynolds, Rolf, Benes, Brabec, Cooper, Gifford and Johnson. Absent: Taylor and Garber.

Arnie Gebers was advised the board of supervisors would hear his request on Wednesday, November 23, 2005 at 9:45 A.M.

**Public Hearing:** Consideration of a request of Rudy Faltin Estate c/o Ed Faltin of 1235 County Rd. L, Scribner, NE 68057 to subdivide a 5.04 acre tract and obtain a conditional use permit for an existing dwelling as per Article 12, Section 4.2 B.1 located in SW1/4 Section 2, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by **Johnson** and seconded by **Benes**. Motion carried by voice vote. Those voting yes: Rolf, Benes, Brabec, Cooper, Gifford, Johnson and Reynolds. Absent: Taylor and Garber.

**Testimony**

**For:** Ed Faltin was present to explain he had been born and raised on the place and for years his brother had lived there. The tenant now wishes to purchase the place for his daughter to fix up and live there. Rolf asked if the house was in livable condition. Faltin

stated it had electric baseboard heat; the well and septic were new and the upstairs was never lived in, so was like new. He emphasized the house was not in bad shape even though no one had lived there for several years. The tenant has been there to watch over the place. He went on to say Rudy, his brother, moved off the place 6 years ago to a nursing home with the intention of always being able to return. He didn't return and passed away. No other testimony was taken for the proposal.

**Against:** No one was present and no communication had been received.

Motion to close the hearing was made by **Gifford** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Benes, Brabec, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Taylor and Garber.

**Possible Action:**

Motion to approve the subdivision and conditional use request was made by **Benes** and seconded by **Johnson** based on: conditional use conforms to the intent and purpose of the regulations and the comprehensive plan. Motion carried by roll call vote. Those voting yes: Brabec, Cooper, Gifford, Johnson, Reynolds, Rolf and Benes. Absent: Taylor and Garber.

Ed Faltin was advised the county board would hear his request on Wednesday, November 23, 2005 at 9:50 A.M.

With no further business, motion was made by **Gifford** and seconded by **Benes** to adjourn at 8:10 P.M. Motion carried by voice vote. Those voting yes: Brabec, Cooper, Gifford, Johnson, Reynolds, Rolf and Benes. Absent: Taylor and Garber. The next scheduled meeting will be **January 17, 2006** at 7:30 P.M. if business arises.

Respectfully submitted,

\_\_\_\_\_  
Jean Andrews,  
Secretary, Dodge County  
Planning Commission

\_\_\_\_\_  
Dodge County  
Planning & Zoning Commission

\_\_\_\_\_  
Approval Date