

FILED
CASS COUNTY, NE.

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David Jordan

REGISTER OF DEEDS

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HPA

ORDINANCE NO. 2018-10

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: SUBLot 14 OF TAX Lot 12 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M. CASS COUNTY, NEBRASKA FROM 11 (LIGHT INDUSTRIAL) TO HC (HIGHWAY COMMERCIAL) TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE OF THE VILLAGE OF EAGLE, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA.

WHEREAS, Ken Halvorsen and Casey's Retail Co. are the owners of the parcels located in following described real property: Sublot 14 of Taxlot 12, Section 20, Township 10 North, Range 9 East of the 6th P.M. Eagle, Cass County, Nebraska and,

WHEREAS, the Chair and Board of Trustees of the Village of EAGLE, Nebraska, has adopted zoning for the Village of EAGLE, Nebraska, said ordinance cited and known as the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of EAGLE, Nebraska, does provide for the Official Zoning Map of the Village of EAGLE, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of EAGLE, Nebraska, does provide for various zoning districts within the corporate limits of the Village of EAGLE, Nebraska, and its extraterritorial jurisdiction, and,

WHEREAS, the Official Zoning Map of the Village of EAGLE, Nebraska, does indicate thereon the location of the various Zoning Districts of the Village of EAGLE, Nebraska, and its extraterritorial jurisdiction, pursuant to the Zoning Ordinance of the Village of EAGLE, Nebraska, and,

WHEREAS, said Official Zoning Map does indicate that the real estate to be rezoned is presently zoned Light Industrial (I1) and,

WHEREAS, a request was submitted that the Chair and Board of Trustees of the Village of EAGLE, Nebraska, amend the Official Zoning Map of the Village of EAGLE, Nebraska, to change the zoning upon the above-described real estate to Highway Commercial (HC) and,

WHEREAS, said Village of Eagle Planning Commission did submit in writing its recommendations as to said zoning change, after public hearing, and,

WHEREAS, a notice of said change of zoning was posted upon the above described real estate such that it was easily visible from the street nearest said real estate, said notice having been posted at least ten (10) days prior to the date of this hearing, and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have conducted a public hearing regarding said change of zoning and received evidence thereat,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, AS FOLLOWS:

1. That the findings here and above made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.
2. That the Official Zoning Map of the Village of Eagle, Nebraska, be amended, as to the following-described real estate, to wit:

Sublot 14 of Taxlot 12, Section 20, Township 10 North, Range 9 East of the 6th P.M. Eagle, Cass County, Nebraska *also described as set forth on Exhibit A*

from Light Industrial (I1) to Highway Commercial (HC) upon approval of an administrative plat and subdivision which shows the merger of contiguous real property to this parcel which is zoned Highway Commercial.
3. That the Chair and the appropriate Department, whether one or more, of the Village of Eagle, Nebraska, are hereby authorized and directed to implement this Ordinance including the indication on the Official Zoning Map of the Village of EAGLE, Nebraska, as to the first above described real estate of this Change of Zoning.
4. That the Clerk of the Village of EAGLE, Nebraska be instructed to file a certified copy of this Ordinance with the Cass County Register of Deeds and that the Cass County Register of Deeds be instructed to index this Ordinance against the first above described legal description set forth above, of the Village of EAGLE, Cass County, Nebraska.
5. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Chair and Board of Trustees of the Village of EAGLE, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.
6. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

7. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval either in pamphlet form or by posting in three (3) public places within the Village of EAGLE, Nebraska, and shall be effective on the fifteenth (15th) day from and after its passage, approval, and publication as provided herein.

PASSED AND APPROVED this 20th day of August, 2018.

VILLAGE OF EAGLE, NEBRASKA

By:



Travis Moore, Its Chair

ATTEST:



Nick Nystrom, Village Clerk

(SEAL)

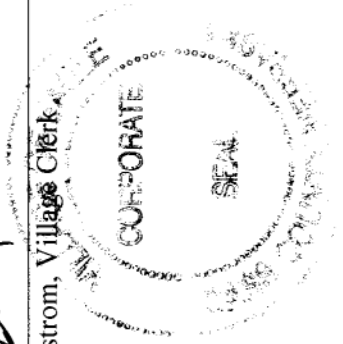


EXHIBIT A

Legal Description – Rezoning of Parcel 130397218 & Parcel 130023035

Part of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, more particularly described as follows: Beginning at a point on the East line of said Southeast Quarter of Section 20, 229.7 feet North of the Southeast corner of said Southeast Quarter, thence Westerly and parallel to the South line of said Southeast Quarter, 183.0 feet; thence North parallel to the East line of said Southeast Quarter, 100.0 feet; thence Easterly parallel to the said South line of the Southeast Quarter, 183.0 feet to a point on the said East line of the Southeast Quarter; thence South along said East line 100.0 feet to the point of beginning, except the East 33.00 feet thereof for roadway right of way.

AND

Part of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska; more particularly described as follows: Beginning at a point 330.00 feet North and 33.00 feet West of the Southeast corner of the Southeast Quarter of said Section 20; said point being on the West right of way line of First Street in the Village of Eagle; thence West and parallel to the South line of the Southeast Quarter of said Section 20, 150.00 feet; thence South and parallel to the East line of the Southeast Quarter of Section 20, 44.50 feet; thence West and parallel to the South line of said Southeast Quarter 82.94 feet; thence North and parallel to the East line of said Southeast Quarter 142.26 feet; thence East and parallel to the South line of said Southeast Quarter 78.94 feet; thence North and parallel to the East line of said Southeast Quarter 51.12 feet; thence East and parallel to the South line of said Southeast Quarter 154.00 feet to a point on the West right of way line of First Street; thence South along said right of way line 148.88 feet to the point of beginning,

EXCEPT

That part of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska; more particularly described as follows: Beginning at a point on the West right of way line of First Street, Village of Eagle, said point being 378.88 feet North and 33 feet West of the Southeast corner of Southeast Quarter of Section 20; thence West and parallel to the South line of said Section 20, 232.94 feet; thence North and parallel to the East line of said Section 20, 48.88 feet; thence East and parallel to the South line of said Section 20, 78.94 feet; thence North and parallel to the East line of said Section 20, 51.12 feet; thence East and parallel to the South line of said Section 20, 154.00 feet; thence South 100 feet to the point of beginning.