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Carol Givens
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Register of Deeds
DODGE COUNTY, NE

Filed:
May 04, 2018 9:15:00 AM
Fee \$16.00

ORDINANCE NO. 5432

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING PARAGRAPH "B" OF ARTICLE 406 OF ORDINANCE NO. 3939 TO REZONE THE PROPERTY DESCRIBED HEREIN, MORE GENERALLY LOCATED AT 1700 EAST MILITARY AVENUE, FROM R-1 SINGLE-FAMILY RESIDENTIAL TO PD PLANNED DEVELOPMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Fremont, Nebraska, seeks to promote the health, safety, morals, and the general welfare of the community; and

WHEREAS, a recommendation for Zoning Change was prepared by the offices of the Department of Planning, City of Fremont ("City"); and

WHEREAS, the City has determined that the subject property is zoned R-1 Single-Family Residential; and

WHEREAS, the Department of Planning recommends zoning district designation of PD Planned Development; and

WHEREAS, a public hearing on the proposed Zoning Change was held by the Planning Commission on December 18, 2017, and subsequently by the City Council on December 26, 2017; and

WHEREAS, the City has determined that such proceedings were in compliance with *Neb. Rev. Stat.* §19-904 pertaining to zoning regulations and restrictions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, AS FOLLOWS:

SECTION I. ZONING. That paragraph "b" of Article 406 of Ordinance No. 3939 as it pertains to the Official Zoning Map is changed to rezone the following described real estate, from R-1 Single-Family Residential to PD Planned Development:

A PARCEL OF LAND BEING PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, ALL IN TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA, SAID PARCEL BEING ALL TAX LOTS 33, 37, 73 AND 74 OF SAID SECTION 13, AND ALL OF TAX LOTS 106, 118, 133 AND 134 OF SAID SECTION 24, SAID PARCEL BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE EASTERLY ON THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.0 FEET TO A POINT ON THE EAST LINE OF LINCOLN AVENUE, THIS BEING THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ON THE EAST LINE OF LINCOLN AVENUE TO THE SOUTHWEST CORNER OF BLOCK 4, OF PARKVIEW ADDITION; THENCE EASTERLY ON THE SOUTH LINE OF SAID BLOCK 4 TO THE SOUTHEAST CORNER OF SAID BLOCK 4; THENCE NORTHERLY ON THE EAST LINE OF SAID BLOCK 4 TO THE NORTHEAST CORNER OF SAID BLOCK 4; THENCE EASTERLY ON THE SOUTH LINE OF

PARKVIEW DRIVE TO A POINT ON THE WEST LINE OF CLARMAR AVENUE; THENCE SOUTHERLY ON THE WEST LINE OF CLARMAR AVENUE TO A POINT ON THE NORTH LINE OF MILITARY AVENUE; THENCE WESTERLY ON THE NORTH LINE OF MILITARY AVENUE TO A POINT ON THE EAST LINE OF LINCOLN AVENUE, SAID POINT BEING 33.0 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24; THENCE NORTHERLY ON THE EAST LINE OF LINCOLN AVENUE TO THE TRUE POINT OF BEGINNING, CONTAINING APPROXIMATELY 35.3 ACRES, MORE OR LESS.


SECTION 2. ADMINISTRATION. That the Land Use Regulations, attached hereto and incorporated herein as Exhibit A, shall be the governing land use regulations for the aforementioned property, and such Land Use Regulations shall be identified by the letters "PD" followed by an identifying number, said number coinciding with the ordinance enacting the same.

SECTION 3. REPEALER. That part of the official zoning map referred to in Paragraph "b" of Article 406 of Ordinance No. 3939 or any other section of said ordinance in conflict with this ordinance is hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

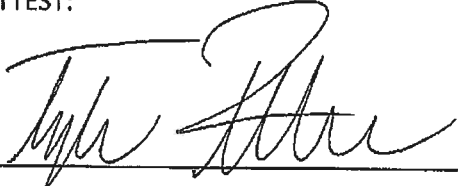
SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS THE 30th DAY OF January, 2018.



Scott Getzschman, Mayor

ATTEST:



Tyler Ficken, City Clerk

