

#6754

C  
C

FILED  
CASS COUNTY, NE.

2013 NOV 18 AM 11:07

OK 36 Gen 850

David Johnson  
REGISTRAR OF DEEDS

#6754 \$34.00

ORDINANCE NO. 2013-14

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: TAX LOTS 7, 8 & 9 EXCEPT FRACTIONAL PARTS, LOCATED IN SECTION 29, TOWNSHIP 10, RANGE 9, CASS COUNTY, NEBRASKA FROM AG (AGRICULTURAL) TO RE (RESIDENTIAL ESTATES); 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, Tax Lots 7, 8 & 9, except fractional parts, located in Section 29, Township 10, Range 9, Cass County, Nebraska are located within the extraterritorial zoning jurisdiction of the Village of Eagle, 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 described above is presently zoned Agricultural (AG) and,

WHEREAS, the size of each lot does not meet the requirement set forth for Agricultural Zoning, and the Board of Trustees referred the matter to the Planning Commission for comment and,

WHEREAS, said Village of Eagle Planning Commission did submit in writing its recommendations as to said zoning change, after public hearing, and all property owners of the said lots were notified as provided by law of said 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, all property owners of said lots were notified of the Board of Trustees hearing as provided by law, 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 zoning be modified and the Official Zoning Map of the Village of Eagle, Nebraska, be amended, as to the following-described real estate, to wit:

Tax Lot 7, except a fractional part described as: Beginning at the NW Corner of Tax Lot 7; thence N89° 54'08" E, along the North line of said Tax Lot 7, 329.69' to the NE Corner of Tax Lot 7; thence S 0° 36'01" E, along the East line of Tax Lot 7, 9.00'; thence N 89° 18'55" W, 177.41'; thence N 87° 37'34" W, 152.51' to the Point of Beginning.

Tax Lot 8, except a fractional part described as: Beginning at the NE Corner of Tax Lot 8; thence S 89° 54'08" W, along the North line of said Tax Lot 8, 327.12' to the NW Corner of Tax Lot 8; thence S 0° 36'01" E, along the West line of tax Lot 8, 9.00'; thence N 89° 22'36" E, 327.13' to a point on the East line of Tax Lot 8; thence N 0° 51'15" W, along said East line 6.00' to the Point of Beginning.


Tax Lot 9, except a fractional part described as: Beginning at the NE Corner of Tax Lot 9; thence S 89° 54'08" W, along the North line of said Tax Lot 9, 329.48' to the NW Corner of said Tax Lot 9; thence S 0° 51'15" E, 6.00', thence S89° 17'24" E, 80.69'; thence N88° 15'31" E, 248.83' to the Point of Beginning.

From Agricultural (AG) to Residential Estates (RE).

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, which lies in the extraterritorial jurisdiction 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 (15<sup>th</sup>) day from and after its passage, approval, and publication as provided herein.

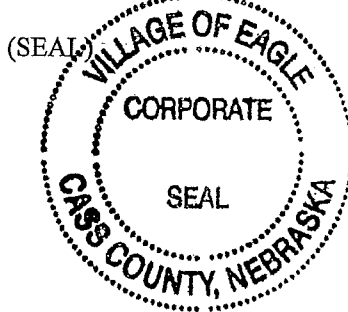
PASSED AND APPROVED this 5 day of November, 2013.

VILLAGE OF EAGLE, NEBRASKA

By:   
John Surman, Its Chair

ATTEST:

  
Nick Nystrom, Village Clerk



**CERTIFICATION**

I, Nick Nystrom, Clerk of the Village of Eagle, Nebraska, hereby certify that attached is a true, full and correct copy of Ordinance No. 2013-14 adopted by the Board of Trustees of the Village of Eagle, Nebraska on the 5 day of November, 2013, as the same appears on file and of record in this office.

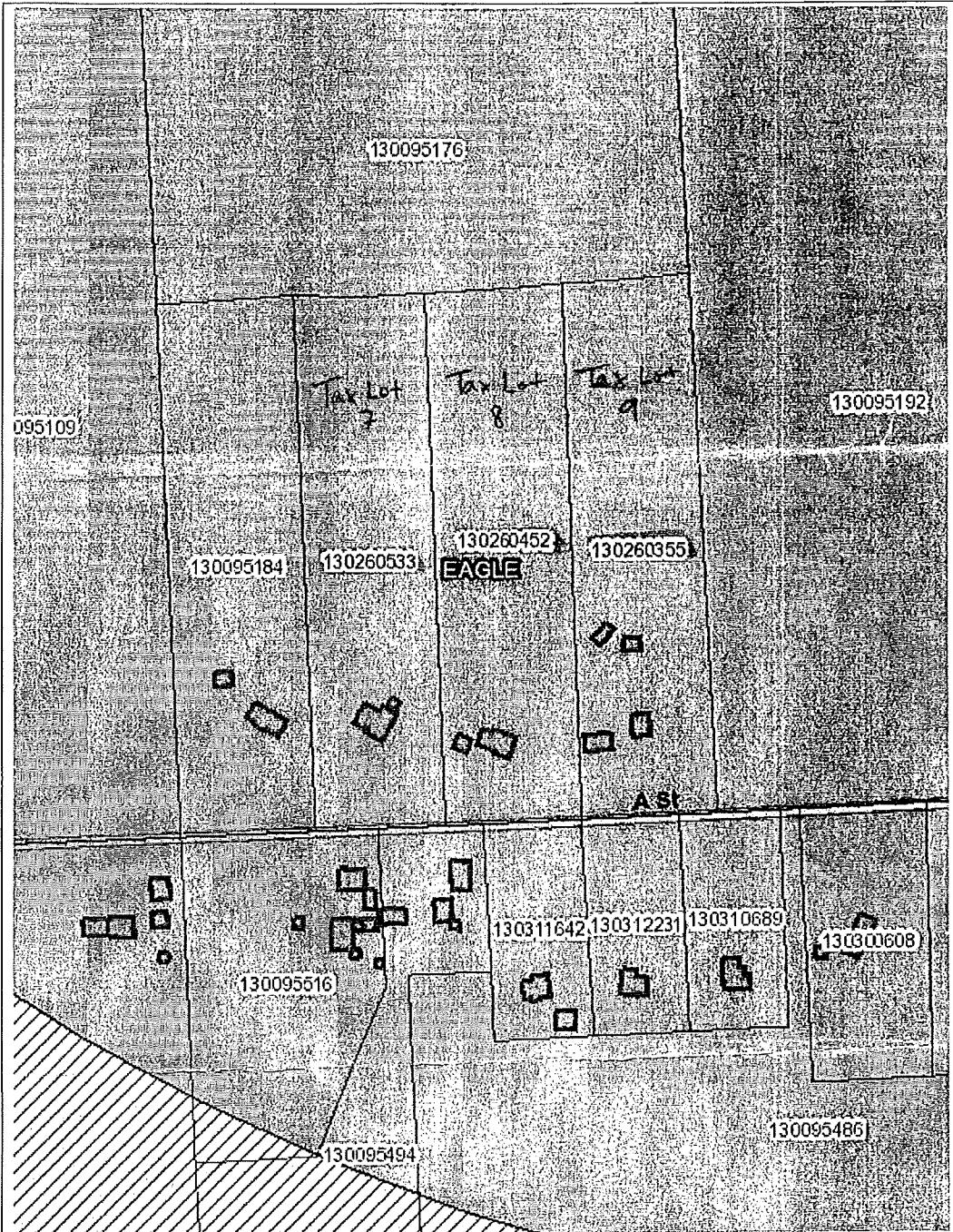
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Eagle, Nebraska, as of this 6 day of November, 2013.



VILLAGE OF EAGLE, NEBRASKA

  
\_\_\_\_\_  
Nick Nystrom, Village Clerk

# 4754



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. Printed: 11/11/13