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FILED SARPY COUNTY NEBRASKA  
 INSTRUMENT NUMBER

2019-09714

05/15/2019 2:06:22 PM

*[Signature]*  
 COUNTY CLERK/REGISTER OF DEEDS



CERTIFICATE OF THE CITY CLERK  
 CITY OF PAPIILLION

STATE OF NEBRASKA     )  
   )ss.  
 COUNTY OF SARPY        )

I, Nicole Brown, City Clerk of the City of Papillion, a Municipal Corporation, within and for the County of Sarpy, State of Nebraska, do hereby certify that the foregoing is a true and correct copy of Ordinance 1826 that was passed and approved by the Papillion City Council on May 7, 2019.

WITNESS my hand and seal on this 10<sup>th</sup> day of May, 2019.



Nicole Brown  
 Nicole Brown, City Clerk  
 City of Papillion

Amended

**ORDINANCE NO. 1826**

AN ORDINANCE TO APPROVE THE CHANGE OF ZONE OF CERTAIN REAL PROPERTY IN PHASES WITHIN THE ZONING JURISDICTION OF THE CITY OF PAPIILLION, SARPY COUNTY, NEBRASKA, LEGALLY DESCRIBED AS A TRACT OF LAND LOCATED IN PART OF THE NE1/4 OF SECTION 29 ALONG WITH PART OF THE NW1/4 OF SECTION 28, AND ALL OF OUTLOT A, GRANITE LAKE, A SUBDIVISION LOCATED IN SAID SECTION 28, ALL LOCATED IN T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED SOUTHEAST OF S 114<sup>TH</sup> STREET AND CORNHUSKER ROAD, FROM AG AGRICULTURAL AND R-2 SINGLE-FAMILY RESIDENTIAL (MEDIUM-DENSITY) TO R-2 SINGLE-FAMILY RESIDENTIAL (MEDIUM-DENSITY), TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PAPIILLION BY CHANGING THE ZONING DISTRICT BOUNDARIES OF THE ZONING MAP IN ACCORDANCE WITH SECTION 205-32 OF THE PAPIILLION MUNICIPAL CODE, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, Neb. Rev. Stat. § 16-905 provides that the City may, by ordinance, designate its jurisdiction over territory outside of the corporate limits of the City under §16-901 or §16-902 of the Nebraska Revised Statutes by reference to an official zoning map; and

WHEREAS, pursuant to § 205-32 of the Papillion Municipal Code, the City of Papillion adopted a zoning map depicting boundaries of zoning districts established by the City, which map, together with legends, references, symbols, boundaries, and other information, is prominently displayed in the City Council chambers; and

WHEREAS, a portion of the real property legally described in Section 1 of this Ordinance No. 1826 was previously identified as the anticipated future third phase of Granite Falls North (the "Original Future Phase 3") at the time that City Council of the City of Papillion ("City Council") approved Resolution No. R16-0090 for the corresponding Granite Falls North Preliminary Plat; and

WHEREAS, at the December 6, 2016 City Council Meeting, the Mayor and City Council approved Ordinance No. 1744 which, upon becoming effective, immediately rezoned the first phase of Granite Falls North, as depicted in the corresponding Final Plat approved by the Mayor and City Council via Resolution No. R16-0171 at that same City Council Meeting ("Phase 1"), from AG Agricultural to R-2 Single-Family Residential (Medium-Density) because the City Council deemed that the Phase 1 Final Plat substantially conformed to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R16-0090; and

WHEREAS, Ordinance No. 1744 was also intended to rezone the anticipated future phases of Granite Falls North (including the Original Future Phase 3) from AG Agricultural to R-2 Single-Family Residential (Medium-Density) upon the final platting of such future phases, subject to the requirement that the City Council deems that the Final

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Plat for each such respective future phase of Granite Falls North substantially conforms to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R16-0090; and

WHEREAS, on August 15, 2017, the Mayor and City Council approved Resolution No. 17-0141, thereby approving the Final Plat for the second phase of Granite Falls North ("Phase 2"), which final platting immediately effectuated the rezoning of Phase 2 according to the provisions of Ordinance No. 1744 because the City Council deemed that the Phase 2 Final Plat substantially conformed to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R16-0090; and

WHEREAS, on June 20, 2017, the Mayor and City Council approved Ordinance No. 1762 which, upon becoming effective, immediately rezoned Outlot A, Granite Lake from AG Agricultural to R-2 Single-Family Residential (Medium-Density) upon the final platting of the corresponding first phase of Granite Lake because the City Council deemed that such Final Plat substantially conformed to the corresponding portion of the Granite Lake Preliminary Plat approved by Resolution No. R17-0008; and

WHEREAS, following the City Council's approval of Ordinance 1744, an affiliate entity (the "Applicant") of BHI Development (the original Granite Falls North Change of Zone applicant) acquired development rights for real property located directly north of and adjacent to the real property legally described in Section 1 of Ordinance No. 1744; and

WHEREAS, the Applicant now proposes to sequentially final plat such adjacent property, along with a reconfiguration of the Original Future Phase 3 and a replatting of Outlot A, Granite Lake, (all of which is collectively legally described in Section 1 of this Ordinance No. 1826) into new reconfigured future phases of Granite Falls North (collectively, the "Reconfigured Future Phases of Granite Falls North"), which new reconfigured phases are to be platted and rezoned separate and apart from the previously platted Phase 1 and Phase 2 of Granite Falls North and are proposed to consist of Lots 180 – 403 and Outlots L – BB, Granite Falls North; and

WHEREAS, the proposed plattings for the Reconfigured Future Phases of Granite Falls North do not substantially conform to the corresponding portions of the Granite Falls North Preliminary Plat approved by Resolution No. R16-0090; accordingly, the Applicant has submitted an application for a revised preliminary plat for the real property described in Section 1 of this Ordinance No. 1826, which revised preliminary plat shall be considered by City Council by Resolution No. R18-0202; and

WHEREAS, pursuant to Section 2 of Ordinance No. 1744, the foregoing non-conformity also necessitated a new and separate Granite Falls North Change of Zone Application for the real property described in Section 1 of this Ordinance No. 1826; and

WHEREAS, the City Council has received a recommendation from the Papillion Planning Commission to approve the new and separate Granite Falls North Change of

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Zone Application to rezone the real property described in Section 1 of this Ordinance No. 1826 in phases from AG Agricultural and R-2 Single-Family Residential (Medium-Density) to only R-2 Single-Family Residential (Medium-Density).

BE IT ORDAINED by the Mayor and City Council of the City of Papillion, Nebraska, as follows:

Section 1. That, subject to the provisions contained herein, the new and separate Granite Falls North Change of Zone Application submitted by Applicant be and the same is hereby approved to rezone the following described real property from AG Agricultural and R-2 Single-Family Residential (Medium-Density) to only R-2 Single-Family Residential (Medium-Density):

A TRACT OF LAND LOCATED IN PART OF THE NE1/4 OF SECTION 29 ALONG WITH PART OF THE NW1/4 OF SECTION 28, AND ALL OF OUTLOT "A", GRANITE LAKE, A SUBDIVISION LOCATED IN SAID SECTION 28, ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 81, GRANITE FALLS NORTH, A SUBDIVISION LOCATED IN SAID NE1/4 OF SECTION 29, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE N1/2 OF SAID NE1/4 OF SECTION 29, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF 114TH STREET; THENCE N02°30'33"W (ASSUMED BEARING) ALONG SAID EAST RIGHT-OF-WAY LINE OF 114TH STREET, A DISTANCE OF 1,224.51 FEET TO THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE OF 114TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF CORNHUSKER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CORNHUSKER ROAD ON THE FOLLOWING SIX (6) DESCRIBED COURSES: (1) THENCE N36°04'12"E, A DISTANCE OF 64.48 FEET; (2) THENCE N87°15'50"E, A DISTANCE OF 1,420.00 FEET; (3) THENCE S47°44'10"E, A DISTANCE OF 28.28 FEET; (4) THENCE N87°15'50"E, A DISTANCE OF 40.00 FEET; THENCE N42°15'50"E, A DISTANCE OF 28.28 FEET; THENCE N87°15'50"E, A DISTANCE OF 1021.71 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF CORNHUSKER ROAD AND THE WEST RIGHT-OF-WAY OF 108TH STREET; THENCE S02°51'54"E ALONG SAID WEST RIGHT-OF-WAY LINE OF 108TH STREET, A DISTANCE OF 1,163.49 FEET; THENCE S26°12'44"E, A DISTANCE OF 83.27 FEET TO A POINT ON THE EAST LINE OF SAID NE1/4 OF SECTION 28; SAID LINE ALSO BEING THE WEST LINE OF SAID NW1/4 OF SECTION 28; THENCE S19°50'30"E, A DISTANCE OF 113.02 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "A", GRANITE LAKE, SAID POINT ALSO BEING ON THE WESTERLY LINE OF OUTLOT "B", SAID GRANITE LAKE, SAID POINT

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ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID 108TH STREET; THENCE ALONG THE EASTERLY LINE OF SAID OUTLOT "A", GRANITE LAKE, SAID LINE ALSO BEING SAID WESTERLY LINE OF OUTLOT "B", GRANITE LAKE ON THE FOLLOWING TEN (10) DESCRIBED COURSES: (1) THENCE S57°57'52"E, A DISTANCE OF 17.12 FEET; THENCE S25°20'58"E, A DISTANCE OF 135.89 FEET; (3) THENCE S41°23'10"E, A DISTANCE OF 55.56 FEET; (4) THENCE S25°10'14"E, A DISTANCE OF 101.94 FEET; (5) THENCE S11°37'03"E, A DISTANCE OF 106.70 FEET; (6) THENCE S00°25'35"E, A DISTANCE OF 99.93 FEET; (7) THENCE S10°45'53"W, A DISTANCE OF 99.93 FEET; (8) THENCE S21°57'21"W, A DISTANCE OF 99.93 FEET; (9) THENCE S33°08'49"W, A DISTANCE OF 100.24 FEET; (10) THENCE S44°24'25"W, A DISTANCE OF 36.55 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", GRANITE LAKE, SAID POINT ALSO BEING ON SAID EAST RIGHT-OF-WAY LINE OF 108TH STREET; THENCE S33°05'37"W, A DISTANCE OF 112.40 FEET TO THE NORTHEAST CORNER OF OUTLOT "F", SAID GRANITE FALLS NORTH, SAID POINT ALSO BEING ON SAID WEST RIGHT-OF-WAY LINE OF 108TH STREET; THENCE ALONG THE EASTERLY LINE OF SAID OUTLOT "F", GRANITE FALLS NORTH AND ITS NORTHERLY EXTENSION THEREOF ON THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) THENCE N54°52'34"W, A DISTANCE OF 89.65 FEET; (2) THENCE N29°01'52"W, A DISTANCE OF 131.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF 110TH STREET; THENCE S61°01'07"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 110TH STREET, A DISTANCE OF 8.34 FEET TO THE SOUTHEAST CORNER OF OUTLOT "E", SAID GRANITE FALLS NORTH; THENCE N30°05'41"W ALONG THE WESTERLY LINE OF SAID OUTLOT "E", SAID LINE ALSO BEING THE WESTERLY LINE OF OUTLOT "D", SAID GRANITE FALLS NORTH, A DISTANCE OF 863.69 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "D", GRANITE FALLS NORTH, SAID POINT ALSO BEING ON SAID SOUTH LINE OF THE N1/2 OF THE NE1/4 OF SECTION 29; THENCE S87°15'24"W ALONG SAID SOUTH LINE OF THE N1/2 OF THE NE1/4 OF SECTION 29, SAID LINE ALSO BEING THE NORTH LINE OF SAID GRANITE FALLS NORTH, A DISTANCE OF 2,038.34 FEET TO THE POINT OF BEGINNING.

Section 2. That within the boundary of each new Reconfigured Future Phase of Granite Falls North, the zoning district shall only be changed, modified, and amended from AG Agricultural and R-2 Single-Family Residential (Medium-Density) to only R-2 Single-Family Residential (Medium-Density) upon: (i) the City Council's approval of the final plat for each respective Reconfigured Future Phase of Granite Falls North, provided that the City Council deems that each such final plat substantially conforms to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R18-0202, (ii) Stone Creek Plaza LLC becoming the undisputed sole owner of all property included within the corresponding final plat, and (iii) the recording of said

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corresponding final plat with the Sarpy County Register of Deeds,. In the event the City Council of the City of Papillion passes a resolution approving a final plat for a particular Reconfigured Future Phase of Granite Falls North, and such resolution and City Council are silent as to whether City Council deems that such final plat substantially conforms to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R18-0202, then there shall be an automatic rebuttable presumption that the City Council deemed such final plat to substantially conform to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R18-0202. In the event that the City Council explicitly deems that a final plat for a particular Reconfigured Future Phase of Granite Falls North does not substantially conform to the corresponding portion of the Granite Falls North Preliminary Plat approved by Resolution No. R18-0202, the real property associated with such Reconfigured Future Phase shall remain zoned as Agricultural (AG) or R-2 Single-Family Residential (Medium-Density), as applicable, and a separate change of zone ordinance shall be required.

Section 3. That the zoning district boundaries of the official zoning map, which is prominently displayed in the City Council chambers pursuant to § 205-32 of the Papillion Municipal Code, be and the same is changed, modified, and amended in accordance with § 205-32 of Papillion Municipal Code to reflect the change of zone for the above described real property.

Section 4. Effective Date. This Ordinance shall be in full force and effect fifteen (15) days after its passage. The City Clerk is directed to effectuate the publishing of this Ordinance for at least one (1) week in a newspaper in general circulation within the City of Papillion, which publication must take place within fifteen days after the passage of this Ordinance by the City Council. The City Clerk shall cause this Ordinance to be published in book or pamphlet form. That this Ordinance shall have the same force and effect as though it had been published at large. That a copy of said Ordinance shall be filed for use and examination by the public in the office of the City Clerk.

PASSED AND APPROVED this 7<sup>th</sup> day of May, 2019.

CITY OF PAPIILLION,

  
\_\_\_\_\_  
DAVID P. BLACK, Mayor

ATTEST:

  
\_\_\_\_\_  
NICOLE L. BROWN, City Clerk

(SEAL)



Planning Commission: 07/25/2018  
First Reading: 12/04/2018

Amended

Second Reading: 12/18/2018  
Third Reading: 05/07/2019

2019-09714 (7)