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FILED SARPY COUNTY NEBRASKA
 INSTRUMENT NUMBER

2017-14653

06/23/2017 2:35:36 PM

Wayne J. Dowling

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 No. 1762 that was passed and approved by the Papillion City Council on June 20, 2017.

WITNESS my hand and seal on this 20th day of June, 2017.

Nicole Brown
 Nicole Brown, City Clerk for
 the City of Papillion

(SEAL)



City of Papillion

A

ORDINANCE NO. 1762

AN ORDINANCE TO APPROVE THE CHANGE OF ZONE OF CERTAIN REAL PROPERTY WITHIN THE ZONING JURISDICTION OF THE CITY OF PAPIILLION, SARPY COUNTY, NEBRASKA, LEGALLY DESCRIBED AS A TRACT OF LAND BEING ALL OF TAX LOTS 1, 2A, 2B, 3A, 4 AND 5, SAID TAX LOTS LOCATED IN PART OF THE NE1/4 OF THE NW1/4, PART OF THE SE1/4 OF THE NW1/4, PART OF THE SW1/4 OF THE NW1/4, PART OF THE NW1/4 OF THE NW1/4 ALL LOCATED IN SECTION 28; TOGETHER WITH ALL OF TAX LOT 6, SAID TAX LOT LOCATED IN PART OF THE NE1/4 OF THE SW1/4 AND PART OF THE SE1/4 OF THE SW1/4 IN SECTION 21; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED AT WITTMUS DRIVE NORTH OF LINCOLN ROAD, FROM AGRICULTURAL (AG) TO SINGLE-FAMILY RESIDENTIAL – MEDIUM DENSITY (R-2), 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 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, the following described real property generally located at Wittmus Drive north of Lincoln Road is being platted in phases into Granite Lake; and

WHEREAS, the City Council of the City of Papillion has received a recommendation from the Papillion Planning Commission to approve a Change of Zone Application to rezone the real property from Agricultural (AG) to Single-Family Residential – Medium Density (R-2).

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

Section 1. That the Change of Zone Application be and the same is approved to rezone the following described real property from Agricultural (AG) to Single-Family Residential – Medium Density (R-2):

A TRACT OF LAND BEING ALL OF TAX LOTS 1, 2A, 2B, 3A, 4 AND 5, SAID TAX LOTS LOCATED IN PART OF THE NE1/4 OF THE NW1/4; PART OF THE SE1/4 OF THE NW1/4, PART OF THE SW1/4 OF THE NW1/4, PART OF THE NW1/4 OF THE NW1/4 ALL LOCATED IN

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SECTION 28; TOGETHER WITH ALL OF TAX LOT 6, SAID TAX LOT LOCATED IN PART OF THE NE1/4 OF THE SW1/4 AND PART OF THE SE1/4 OF THE SW1/4 IN SECTION 21; 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 SOUTHWEST CORNER OF SAID NW1/4 OF SECTION 28, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 5; THENCE N02°51'54"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID NW1/4 OF SECTION 08, SAID LINE ALSO BEING THE WEST LINE OF SAID TAX LOT 5, A DISTANCE OF 2648.84 FEET TO THE NORTHWEST CORNER OF SAID TAX LOT 5, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TAX LOT 3, A TAX LOT LOCATED IN SAID SECTION 21, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID NW1/4 OF SECTION 28; THENCE N87°28'59"E ALONG THE NORTH LINE OF SAID TAX LOTS 4 & 5, SAID LINE ALSO BEING THE SOUTH LINE OF TAX LOT 3 & 4A, SAID TAX LOTS LOCATED IN SAID SECTION 21, SAID LINE ALSO BEING THE NORTH LINE OF SAID NW1/4 OF SECTION 28, A DISTANCE OF 1141.88 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 4, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TAX LOT 3B, A TAX LOT LOCATED IN SAID SECTION 28; THENCE S02°37'18"E ALONG THE EAST LINE OF SAID TAX LOT 4, SAID LINE ALSO BEING THE WEST LINE OF SAID TAX LOT 3B, A DISTANCE OF 198.00 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 3B, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TAX LOT 3A; THENCE N87°28'59"E ALONG THE NORTH LINE OF SAID TAX LOT 3A, SAID LINE ALSO BEING THE SOUTH LINE OF SAID TAX LOT 3B, A DISTANCE OF 661.64 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 3A, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TAX LOT 3B, AND ALSO BEING THE WEST LINE OF SAID TAX LOT 1; THENCE N02°42'15"W ALONG THE EAST LINE OF SAID TAX LOT 3B, SAID LINE ALSO BEING SAID WEST LINE OF TAX LOT 1, A DISTANCE OF 198.00 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 3B, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TAX LOT 1, SAID POINT ALSO BEING ON SAID NORTH LINE OF THE NW1/4 OF SECTION 28, SAID POINT ALSO BEING SAID SOUTH LINE OF THE SW1/4 OF SECTION 21; THENCE N87°28'59"E ALONG SAID SOUTH LINE OF TAX LOT 5, SAID TAX LOT LOCATED IN SAID SECTION 21, SAID LINE ALSO BEING LINE THE NORTH LINE OF SAID TAX LOT 1, SAID LINE ALSO BEING ALONG SAID NORTH LINE OF THE NW1/4 OF SECTION 28, A DISTANCE OF 1.99 FEET TO THE SOUTHEAST CORNER OF SAID TAX LOT 5, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 6; THENCE N02°46'21"W ALONG THE WEST LINE OF SAID TAX LOT 6, SAID LINE ALSO BEING THE EAST LINE OF SAID TAX LOT 5, DISTANCE OF 1928.63 FEET TO THE CENTERLINE OF PAPIILLION CREEK; THENCE ALONG SAID CENTERLINE OF PAPIILLION CREEK ON FOLLOWING THIRTY-ONE (31) COURSES: (1)

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THENCE S83°43'04"E, A DISTANCE OF 9.43 FEET; (2) THENCE S66°19'38"E, A DISTANCE OF 65.45 FEET; (3) THENCE S61°47'57"E, A DISTANCE OF 29.21 FEET; (4) THENCE S35°32'47"E, A DISTANCE OF 64.35 FEET; (5) THENCE S71°03'44"E, A DISTANCE OF 26.12 FEET; (6) THENCE S51°59'05"E, A DISTANCE OF 15.90 FEET; (7) THENCE S58°47'47"E, A DISTANCE OF 21.90 FEET; (8) THENCE N75°25'20"E, A DISTANCE OF 9.70 FEET; (9) THENCE S72°48'44"E, A DISTANCE OF 53.96 FEET; (10) THENCE S65°30'14"E, A DISTANCE OF 23.69 FEET; (11) THENCE S76°23'25"E, A DISTANCE OF 27.81 FEET; (12) THENCE S64°44'04"E, A DISTANCE OF 63.74 FEET; (13) THENCE S74°27'24"E, A DISTANCE OF 33.42 FEET; (14) THENCE S75°07'38"E, A DISTANCE OF 26.84 FEET; (15) THENCE S10°49'32"W, A DISTANCE OF 55.86 FEET; (16) THENCE S25°57'57"W, A DISTANCE OF 61.76 FEET; (17) THENCE S37°55'26"W, A DISTANCE OF 16.41 FEET; (18) THENCE S56°35'42"W, A DISTANCE OF 103.43 FEET; (19) THENCE S29°11'31"W, A DISTANCE OF 36.05 FEET; (20) THENCE S05°42'16"E, A DISTANCE OF 30.42 FEET; (21) THENCE S58°45'02"E, A DISTANCE OF 96.98 FEET; (22) THENCE S76°47'18"E, A DISTANCE OF 71.07 FEET; (23) THENCE S51°47'10"E, A DISTANCE OF 76.21 FEET; (24) THENCE S46°04'42"E, A DISTANCE OF 82.62 FEET; (25) THENCE S53°55'24"E, A DISTANCE OF 89.48 FEET; (26) THENCE S86°47'11"E, A DISTANCE OF 37.77 FEET; (27) THENCE N56°21'27"E, A DISTANCE OF 56.70 FEET; (28) THENCE N70°52'03"E, A DISTANCE 23.16 FEET; (29) THENCE S83°36'57"E, A DISTANCE OF 37.29 FEET; (30) THENCE S34°04'50"E, A DISTANCE OF 126.54 FEET; (31) THENCE S28°01'05"E, A DISTANCE OF 126.98 FEET TO A POINT ON THE EAST LINE OF SAID TAX LOT 6, SAID POINT ALSO BEING ON THE WEST LINE OF TAX LOT 8B1, SAID TAX LOT LOCATED IN SAID SECTION 21, SAID POINT ALSO BEING ON THE EAST LINE OF SAID SW1/4 OF SECTION 21; THENCE S02°46'21"E ALONG SAID EAST LINE OF TAX LOT 6, SAID LINE ALSO BEING ALONG SAID WEST LINE OF SAID TAX LOT 8B1, SAID LINE ALSO BEING SAID EAST LINE OF THE SW1/4 OF SECTION 21, A DISTANCE OF 1044.75 FEET TO THE SOUTHEAST CORNER OF SAID TAX LOT 6, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TAX LOT 1, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 8A1, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SW1/4 OF SECTION 21, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID NW1/4 OF SECTION 28; THENCE S02°31'13"E ALONG THE EAST LINE OF SAID TAX LOT 1, 2A, 2B, SAID LINE ALSO BEING THE EAST LINE OF SAID NW1/4 OF SECTION 28, A DISTANCE OF 2600.49 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LINCOLN ROAD; THENCE S87°31'13"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF LINCOLN ROAD, A DISTANCE OF 1491.94 FEET TO A POINT ON THE WEST LINE OF SAID TAX LOT 3A, SAID LINE ALSO BEING A POINT ON THE EAST LINE OF SAID TAX LOT 4; THENCE S02°49'11"E ALONG SAID EAST LINE OF TAX LOT 4, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID TAX LOT 4, SAID POINT ALSO BEING ON SAID SOUTH LINE OF THE NW1/4 OF SECTION 28;

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THENCE S87°31'13"W ALONG THE SOUTH LINE SAID TAX LOT 4 & 5, SAID LINE ALSO BEING SAID SOUTH LINE OF THE NW1/4 OF SECTION 28, A DISTANCE OF 1139.10 FEET TO THE POINT OF BEGINNING.

Section 2. That within the boundary of each phase of Granite Lake, the zoning district boundaries shall only be changed, modified, and amended from Agricultural (AG) to Single-Family Residential – Medium Density (R-2) upon the City Council of the City of Papillion’s approval of the Final Plat for each respective phase of Granite Lake provided that the City Council of the City of Papillion deems that each such Final Plat substantially conforms to the corresponding portion of the Granite Lake Preliminary Plat approved by RES. #R17-0008. In the event that the City Council of the City of Papillion deems that a Final Plat for a phase does not substantially conform to the corresponding portion of the Granite Lake Preliminary Plat approved by RES. #R17-0008, the property associated with that phase shall remain zoned Agricultural (AG) 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 phases, as described in Section 2, in accordance with § 205-32 of Papillion Municipal Code to reflect the change of zone for the above described 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 of 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 20th day of June, 2017.

CITY OF PAPIILLION,



DAVID P. BLACK, Mayor

Attest:

Nicole Brown

NICOLE BROWN, City Clerk

(SEAL)

First Reading: January 17, 2017
Second Reading: February 7, 2017
Third Reading: June 20, 2017

