

CITY OF  
**FREMONT**  
NEBRASKA PATHFINDERS

**CITY COUNCIL MEETING**

July 7, 2016

City Auditorium 925 N. Broad Street, Fremont, NE

**STUDY SESSION – 6:45 P.M.**

**REGULAR MEETING – 7:00 P.M.**

**AGENDA**

**REGULAR MEETING:**

1. Meeting called to order
2. Roll call
3. Mayor comments  
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)
4. Final reading of Ordinance for consideration of a petition of the owners of approximately 57.3 acres described as the Roadway Subdivision, said Subdivision being located in the West half of the East half of Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 1400 S Downing St., for annexation into the City of Fremont's corporate limits (staff report)
5. Final reading of Ordinance for consideration of a petition of TJ Design Strategies, Ltd., on behalf of Costco Wholesale Corporation, agent for the owner, and Hills Farm, Inc., the owner of approximately 417.1 acres located in Section 25, Section 26, and Section 36 of Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 2200 S Downing St., for annexation into the City of Fremont's corporate limits (staff report)
6. Final reading of Ordinance for consideration of a request of TJ Design Strategies, Ltd., on behalf of Costco Wholesale Corporation, agent for the owner, and Hills Farm, Inc., the owner of approximately 83.3 acres located at 2200 S Downing St., for approval of a Zoning Change from AG Agricultural to GI General Industrial (staff report)
7. Adjournment

Agenda posted at the Municipal Building on July 1, 2016 and online at [www.fremontne.gov](http://www.fremontne.gov). Agenda distributed to the Mayor and City Council on July 1, 2016. The official current copy is available at City Hall, 400 East Military, City Clerk's Office. The City Council reserves the right to go into Executive Session at any time. A copy of the Open Meeting Law is posted in the City Council Chambers for review by the public. The City of Fremont reserves the right to adjust the order of items on this agenda.

# Staff Report

**TO:** Mayor and City Council  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** June 17, 2016  
**SUBJECT:** Voluntary Annexation Petition – Roadway Subdivision

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**Recommendation:**  
Hold second reading.

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**Background:** A Voluntary Annexation Petition has been received by Brenda K. Doernemann, Managing Member of Proctor, LLC, Ronald G. Vlach, President of Victory Lake Marine, Inc., Leslie B. Shallberg, President of fremont Electric Inc., Allen Dayton, President of the Lionel Company, LLC, Thomas, L. Coday, General Partner of R E Partnership, a Nebraska General Partnership, Daniel E. and Trudy K. Simanek, William F. Dugan and Jane L. Dugan, Scott Taylor and Cherie Taylor, Michael Cone, President of Michael Cone Enterprises, LLC, and Sanitary and Improvement District No. 4 of Dodge County, Nebraska, (“SID No. 4”) a political subdivision of the State, requesting annexation of approximately 57.3 acres into the corporate limits.

According to Nebraska Revised Statutes § 19-929, “The municipal governing body shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent.”

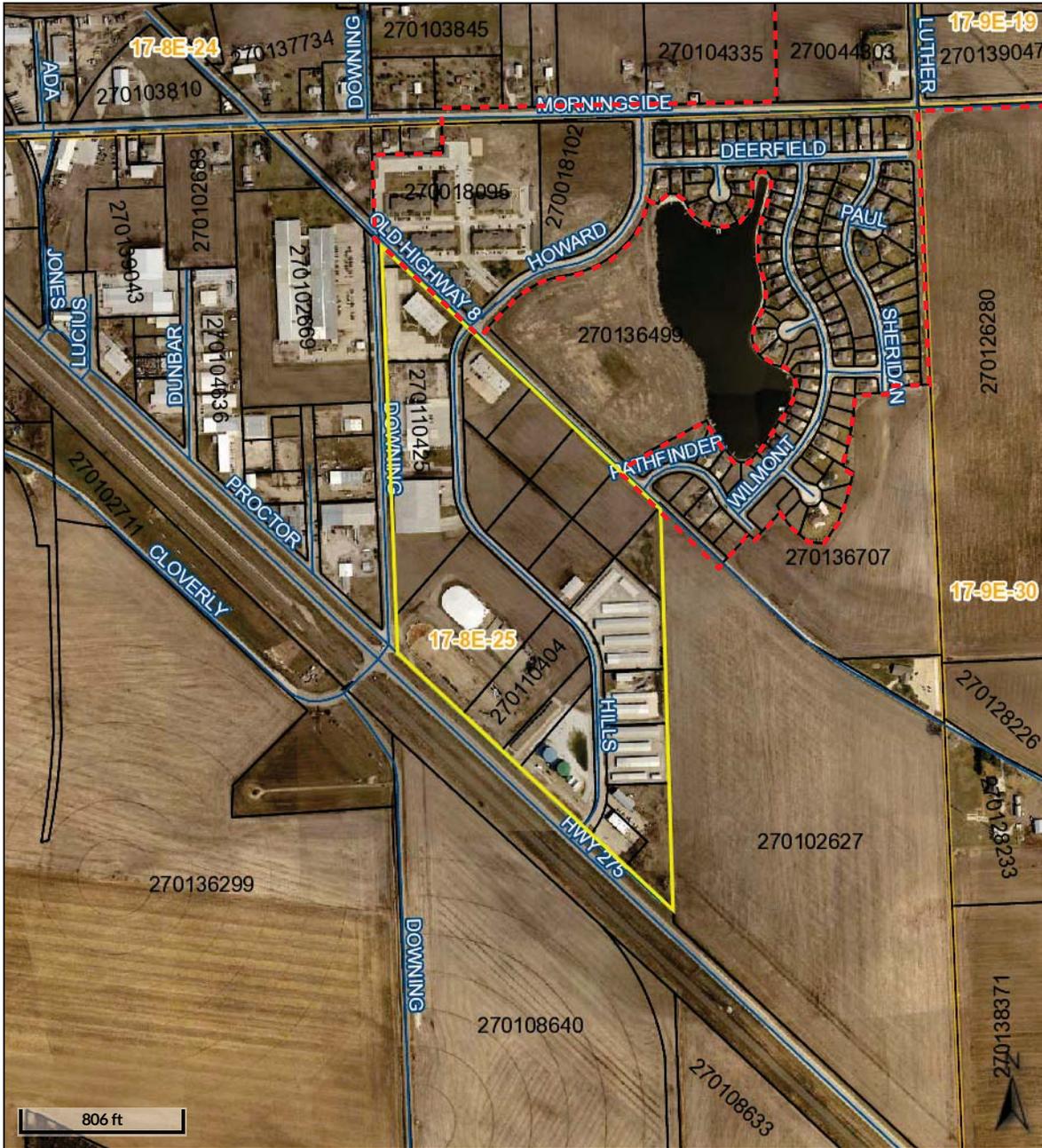
The subject property is not identified in the Comprehensive Plan as a preferred or secondary area of future annexation and growth. However, as it pertains to unidentified annexation, according to the City’s Comprehensive Plan:

The areas not identified for annexation are those that, at this time, are expected to occur beyond the horizon of this plan and which warrant evaluation upon the five-year update of this plan. Given the uncertainties of development though, these areas may be subject to annexation and development in which case the following principles may be used to guide the decision:

- The decision to extend infrastructure and provide municipal services will include, among others, the location of the proposed development relative to existing development and the proximity to existing utilities and

adequate road infrastructure. [as part of the Conditional Annexation Agreement, the City will construct and install water main service and fire hydrants for the benefit of all properties located in the Roadway Subdivision; the subject property is currently served by Old Highway 8 to the north and Proctor Rd. to the south]

- The existing infrastructure systems have adequate capacities to accept and sustain the demands of the proposed development without an inordinate requirement for capital investment on behalf of the City. [the subject properties consist of either vacant/undeveloped tracts of land or fully developed tracts of land and are generally considered as being served by existing infrastructure; no new development is being proposed as part of these annexation proceedings]
- The subject development will not disrupt an orderly and fiscally responsible progression of growth and development. [the subject property is continuous or adjacent to corporate limits to the north and constitutes orderly and fiscally responsible progression of growth and development to the south and east]



Overview



Legend

- Highways
  - <all other values>
  - I
  - LS
  - N
  - R
  - US
- Parcels
- Sections
- Airport
- Streets

Date created: 5/31/2016

Developed by  
The Schneider Corporation

ANNEXATION PETITION AND CONSENT

RECEIVED  
MAY 19 2016  
BY: *[Signature]*

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Brenda K. Doernemann, Managing Member of Proctor, LLC, a Nebraska Limited Liability Company, owner of the following described real estate ("Owner"), to wit:

Lot 1 and part of Lot 2, Roadway Subdivision, more particularly described as follows: Beginning at the southeast corner of Lot 2, Roadway Subdivision; said corner being 210.0 feet northwest of the intersection of Hills Road and Proctor Street; and assuming the north right-of-way of Proctor Street to bear N44°39'50"W; thence N44°39'50"W 190.0 feet; thence N45°20'10"E 503.38 feet; thence S00°06'34"E 266.64 feet; thence S45°20'10"W 316.30 feet; to the point of beginning, being part of Lot 2, Roadway Subdivision, Dodge County, Nebraska. (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

Brenda Doernemann  
(Signature)

5-4-16  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

RECEIVED  
MAY 19 2016  
BY: *Tyler Allen*

ANNEXATION PETITION AND CONSENT

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Ronald G. Vlach, President of Victory Lake Marine, Inc., owner of the following described real estate ("Owner"), to wit:

Part of Lot 2, Roadway Subdivision, Dodge County, Nebraska, described as follows: Beginning at the southwest corner of said Lot 2, said corner being 480.01 feet northwest of the intersection of Hills Road and Proctor Street, and assuming the North right-of-way of Proctor Street to bear N44°39'50"W; thence N45°20'10"E 575.32 feet to the right-of-way of Hills Road; thence southeasterly along a 314.85' radius curve to the right 58.86 feet; thence S00°06'34"E 49.07 feet; thence S45°20'10"W 503.38 feet; thence N44°39'50"W 80.0 feet to the point of beginning, Dodge County, Nebraska.

and

Lots 3, 4, 5, 11 and 12, Roadway Subdivision, Dodge County, Nebraska, as otherwise more particularly described of record in the Dodge County Register of Deeds (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*Ronald G. Vlach*  
\_\_\_\_\_  
(Signature)

5-4-16  
\_\_\_\_\_  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

ANNEXATION PETITION AND CONSENT

RECEIVED  
MAY 19 2016  
BY: *[Signature]*

TO: The City of Fremont, Nebraska ("City");

COMES NOW, Leslie B. Shallberg, President of Fremont Electric Inc., owner of the following described real estate ("Owner"), to wit:

Lot 6, Roadway Subdivision, Dodge County, Nebraska, as otherwise more particularly filed of record in the Dodge County Register of Deeds, (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*[Signature]*  
(Signature)

5-4-16  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

RECEIVED  
MAY 19 2016  
BY: *T. L. Fisher*

ANNEXATION PETITION AND CONSENT

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Allen Dayton, as President of The Lionel Company, LLC, a Nebraska Limited Liability Company, owner of the following described real estate ("Owner"), to wit:

Lot 7, Roadway Subdivision as platted and recorded in Dodge County, Nebraska (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*Allen Dayton*  
(Signature)

May 5, 2016  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

RECEIVED  
MAY 19 2016  
BY: *Tyler H*

ANNEXATION PETITION AND CONSENT

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Thomas L. Coday, General Partner of R E Partnership, a Nebraska General Partnership, owner of the following described real estate ("Owner"), to wit:

Lots 9 and 10, Roadway Subdivision, as platted and recorded in Dodge County, Nebraska (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*Thomas L. Coday*  
\_\_\_\_\_  
(Signature)

*5-4-2016*  
\_\_\_\_\_  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

ANNEXATION PETITION AND CONSENT

RECEIVED  
MAY 19 2016  
BY: *Tyler Miller*

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Daniel E. and Trudy K. Simanek, owners of the following described real estate ("Owner"), to wit:

Lots 13, 14, 16, 17, 18, Roadway Subdivision is platted and recorded in Dodge County, Nebraska (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*David E. Simanek*  
(Signature)

5-6-16  
(Date)

*Trudy K. Simanek*  
(Signature)

5-6-16  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

RECEIVED  
MAY 19 2016  
BY: *Tyler Allen*

ANNEXATION PETITION AND CONSENT

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, William F. Dugan and Jane L. Dugan, husband and wife, owner of the following described real estate ("Owner"), to wit:

Lot 15, Roadway Subdivision, as platted and recorded in Dodge County, Nebraska (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*William F. Dugan*  
\_\_\_\_\_  
(Signature)

*5/4/16*  
\_\_\_\_\_  
(Date)

*Jane L. Dugan*  
\_\_\_\_\_  
(Signature)

*5/4/16*  
\_\_\_\_\_  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

ANNEXATION PETITION AND CONSENT

RECEIVED  
MAY 19 2018  
BY: *Tyler Fitch*

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Scott Taylor and Cherie Taylor, husband and wife, owners of the following described real estate ("Owner"), to wit:

Part of Lot 19, Roadway Subdivision in Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, further described as follows: Beginning at the Northeast corner of the said Lot 19; thence along the North line of said Lot 19 to the Northwest corner of said Lot 19; thence along the West line of said Lot 19 on a 260.06 foot radius curve to the right to a point on a line lying 151.54 feet Northeast of and parallel to the Northeast margin of Proctor Street; thence S 44°39'50" E, 183.48 feet; along said line lying 151.54 feet Northeast of and parallel to the Northeast margin of Proctor Street; thence Northeasterly to the point of beginning.

AND

Lot 19, Roadway Subdivision, in Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, EXCEPT beginning at a point on the West line of said Lot 19 which is also a point on a line lying 151.54 feet Northeast of and parallel to the Northeast margin of Proctor Street; thence S 44°39'50" E, 276.10 feet along said line lying 151.54 feet Northeast of and parallel to the Northeast margin of Proctor Street; thence S 45°20'10" W, 151.54 feet to a point on the Northeast margin of Proctor Street; thence N 44°39'50" W along the Northeast margin of Proctor Street to the point of tangency of the 20 foot radius curve at the intersection of Proctor Street and Hills Road; thence along a 20 foot radius curve to the right to the point of reverse curvature; thence Northerly along the East margin of Hills Road on a 268.86 foot radius curve to the left to the point of beginning and EXCEPT beginning at the Northeast corner of said Lot 19; thence along the North line of said Lot 19 to the Northwest corner of said Lot 19; thence along the West line of said Lot 19 on a 260.06 foot radius curve to the right to a point on a line lying 151.54 feet Northeast of and parallel to the Northeast margin of Proctor Street; thence S 44°39'50" E, 183.48 feet; along said line lying 151.54 feet Northeast of and parallel to the Northeast margin of Proctor Street; thence Northeasterly to the point of beginning.

(the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of

SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

  
\_\_\_\_\_  
(Signature)  
  
\_\_\_\_\_  
(Signature)

5-4-16  
\_\_\_\_\_  
(Date)  
5-4-16  
\_\_\_\_\_  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

RECEIVED  
MAY 19 2016

BY: *Tyler Allen*

ANNEXATION PETITION AND CONSENT

TO: The City of Fremont, Nebraska ("City");

COMES NOW, Michael Cone, as President of Michael Cone Enterprises, LLC, a Nebraska Limited Liability Company, owner of the following described real estate ("Owner"), to wit:

Part of Lot 19, Roadway Subdivision in Section 25, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska, further described as follows: Beginning at a point on the west line of said Lot 19 which is also a point on a line lying 151.54 feet northeast of and parallel to the northeast margin of Proctor Street; thence S 44°39'50" E, 276.10 feet along said line lying 151.54 feet northeast of and parallel to the northeast margin of Proctor Street; thence S 45°20'10" W, 151.54 feet to a point on the northeast margin of Proctor Street; thence N 44°39'50" W along the northeast margin of Proctor Street to the point of tangency of the 20 foot radius curve at the intersection of Proctor Street and Hills Road; thence along a 20 foot radius curve to the right to the point of reverse curvature; thence northerly along the east margin of Hills Road on a 268.86 foot radius curve to the left to the point of beginning (the "Property")

and respectfully petitions and consents for the Property to be annexed into the City, and in support thereof, shows as follows:

1. That the Property is within the extraterritorial jurisdiction of the City, and in combination with other similar petitions, is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the Property, the Property should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the Property into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between Sanitary and Improvement District No. 4 of Dodge County (SID No. 4) and the City for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex this Property.

*Michael Cone*  
\_\_\_\_\_  
(Signature)

*5-9-16*  
\_\_\_\_\_  
(Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 Improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

ANNEXATION PETITION AND CONSENT

RECEIVED  
MAY 19 2016

BY: *Tyler Hill*

TO: The City of Fremont, Nebraska ("City"):

COMES NOW, Sanitary and Improvement District No. 4 of Dodge County, Nebraska, a political subdivision of the state ("SID No. 4"), and respectfully petitions and consents that all property located within its territorial limits be annexed into the City, and in support thereof, shows as follows:

1. SID No. 4 is within the extraterritorial jurisdiction of the City and is adjacent to the present corporate limits of the City; and
2. That in order to promote the orderly development of the property located within the territorial limits of SID No. 4, SID No. 4 should be annexed into the City, and by the execution hereof, the undersigned requests, consents and/or petitions the City Council to annex the property located within the territorial limits of SID No. 4 into the corporate limits of the City.
3. That, notwithstanding the foregoing, this Annexation Petition and Consent is conditioned upon the following which must occur or this Annexation Petition and Consent shall be deemed to be withdrawn prior to annexation:
  - a. The City shall agree in writing to construct and install water main service and fire hydrants for the benefit of all properties located in Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") within 12 months of the annexation at no cost, levy or assessment to such properties or the property owners; and,
  - b. The execution of a written agreement between SID No. 4 and the City of Fremont for annexation of SID No. 4 to include specific provisions for the utilization of all remaining SID No. 4 funds for the lawful benefit of properties located within Roadway Subdivision as platted and recorded in Dodge County, Nebraska ("Roadway Subdivision") as illustrated, but not limited to, uses set forth on Exhibit "A" or other public purpose as approved by the majority in square footage of property owners located in Roadway Subdivision or by an association formed by the Roadway Subdivision property owners for the purpose of directing the lawful usage of such funds; and,

WHEREFORE, Petitioner requests these bodies to take the appropriate steps to annex SID No. 4.

SANITARY AND IMPROVEMENT DISTRICT NO. 4  
OF DODGE COUNTY, NEBRASKA

By *Brenda K. Doernemann, Clerk* 5-4-16  
Brenda K. Doernemann, Clerk (Date)

By *Ronald G. Vlach* 5-4-16  
Ronald G. Vlach, Chairman (Date)

**NON-EXCLUSIVE USE OF ESCROWED SID FUNDS  
FOR THE BENEFIT OF ROADWAY SUBDIVISION  
AS PLATTED AND RECORDED IN DODGE COUNTY, NEBRASKA**

- a. To pay connection fees and extend water service to stop boxes on each platted Roadway Subdivision property that is annexed by the City.
- b. Prepare and improvement of streets in Roadway Subdivision.
- c. Installation of street lighting.
- d. Drainage maintenance, repair and improvements.
- e. Repair of former SID No. 4 improvements.
- f. Construction and maintenance of entrance signage.
- g. Entrance beautification and landscaping.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, CONDITIONALLY ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 57.3 ACRES, MORE FULLY DESCRIBED HEREIN, AND EXTENDING THE CORPORATE LIMITS TO INCLUDE SAID REAL ESTATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, voluntary petitions for conditional annexation were timely filed with the offices of the Department of Planning, City of Fremont (City); and

WHEREAS, the City has determined that the subject property is contiguous with the corporate limits, and is urban or suburban in character and not rural in character; and

WHEREAS, the City has determined that it is able to provide certain essential services, such as utilities, police and fire protection, for the subject property so that the inhabitants of said territory shall receive substantially the same services as other inhabitants of the City; and

WHEREAS, a public hearing on the proposed annexation was held by the Planning Commission on June 20, 2016, at which time the Commission unanimously recommended in favor of the proposed annexation; and

WHEREAS, the City has determined that it is in compliance with pertinent annexation requirements of *Neb. Rev. Stat.* §§ 16-117 and 31-781 through 31-786;

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

**SECTION I: CONDITIONAL ANNEXATION.** That the following described real estate, contiguous and adjacent to the City of Fremont, Nebraska, urban or suburban in character and not rural in character, receiving material benefits and advantages from annexation to said City, to-wit:

**ALL OF ROADWAY SUBDIVISION, DODGE COUNTY, NEBRASKA**

shall without further action by the City of Fremont, Nebraska be included within the boundaries and territory of the City of Fremont, Nebraska and shall be included within the corporate limits of said City and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of said City; upon the satisfaction of the following condition subsequent:

The closing of the sale of the Hills Farm, Inc. land identified as Dodge County Assessor Parcel Numbers 270103523, 270136299, 270108703, 270102816, 270108640, 270139045 and 270139044 (all lying within Sections 25 and 26 T17N R8E, Dodge County, Nebraska) to Costco Wholesale Corporation or a wholly owned affiliate thereof by no later than February 28, 2017, failing which the annexation of the property shall not become effective and shall be deemed to be null and void without further action by the City of Fremont, Nebraska, provided that this condition may be waived in writing by SID 4 of Dodge County, Nebraska and any owner of property in Roadway Subdivision as currently platted and recorded in Dodge County, Nebraska.

**SECTION 2. REPEALER.** All ordinances made in conflict with this Ordinance are hereby repealed.

**SECTION 3. 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 4. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force fifteen days after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Tyler Ficken, City Clerk

# Staff Report

**TO:** Mayor and City Council  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** June 17, 2016  
**SUBJECT:** Voluntary Annexation Petition – Hills Farm

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**Recommendation:**  
Hold second reading.

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**Background:** A Voluntary Annexation Petition has been received by Hills Farm, Inc., requesting annexation of approximately 417.1 acres (423.1 acres measured) into the corporate limits.

According to Nebraska Revised Statutes § 19-929, “The municipal governing body shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent.”

The subject property is not identified in the Comprehensive Plan as a preferred or secondary area of future annexation and growth. However, as it pertains to unidentified annexation, according to the City’s Comprehensive Plan:

The areas not identified for annexation are those that, at this time, are expected to occur beyond the horizon of this plan and which warrant evaluation upon the five-year update of this plan. Given the uncertainties of development though, these areas may be subject to annexation and development in which case the following principles may be used to guide the decision:

- The decision to extend infrastructure and provide municipal services will include, among others, the location of the proposed development relative to existing development and the proximity to existing utilities and adequate road infrastructure. [*development plans are being considered for the subject property including the extension of municipal services; the subject property is currently served by E Cloverly Rd., S Platte Ave., S Yager Rd., and S Downing St.*]
- The existing infrastructure systems have adequate capacities to accept and sustain the demands of the

proposed development without an inordinate requirement for capital investment on behalf of the City. *[the subject property is currently vacant/undeveloped and is generally considered as being served by existing infrastructure; development plans are being considered for the subject property and will require a traffic impact analysis to determine what improvements, if any, will need to be made]*

- The subject development will not disrupt an orderly and fiscally responsible progression of growth and development. *[pending completion of annexation of the Roadway Subdivision to the north, the subject property will be considered continuous or adjacent to corporate limits and constitutes orderly and fiscally responsible progression of growth and development to the south and east]*



RECEIVED  
MAY 20 2016  
BY: *Tyler R. Johnson*

Planning Department  
400 E. Military Ave.  
Fremont, NE 68025  
Phone: (402) 727-2636  
Fax: (402) 727-2659  
Web: [www.fremontne.gov](http://www.fremontne.gov)

## PETITION

TO, the City Council of the City of Fremont, Nebraska ("City")

COMES NOW, Hills Farm, Inc., owner, or duly authorized officer or agent of the owner, of the following described real estate ("Petitioner"), to wit:

*(see metes and bounds description and exhibits attached hereto and incorporated herein for all purposes)*

and respectfully requesting that the above described property be annexed into the City, and would respectfully show as follows:

1. That the above described property is within the extraterritorial jurisdiction of the City, and is adjacent to the present corporate limits of the City; and
2. That in order to protect the inhabitants of such property and to promote the orderly development of such property, such property should be annexed into the City, and by the execution hereof, the undersigned petitions the City Council to annex such property into the corporate limits of the City.

**WHEREFORE, PREMISES CONSIDERED,** Petitioner requests these bodies to take the appropriate steps to annex this property.

*Theodore R. Johnson*  
\_\_\_\_\_  
(Signature)

5.20.16  
\_\_\_\_\_  
(Date)

**HILLS FARM, INC.**  
**c/o Pathfinder Company**  
**Farm Management & Real Estate Services**  
**1416 E. 23<sup>rd</sup> Street**  
**Fremont, NE 68025**

May 17, 2016

City of Fremont  
Planning & Development Department  
400 E. Military Avenue  
Fremont, NE 68025

**RE: Hills Farm, Inc. Authorization of Costco Wholesale as Annexation and  
Change of Zone Applicant**

To Whom It May Concern:

This will confirm that Costco Wholesale Corporation ("Costco"), through its employees, architects, engineers, and consultants, is authorized by Hills Farm, Inc. to execute, submit, process, and act as Hills Farm's agent in connection with all applications to the City of Fremont pertaining to the annexation, change of zoning classification, or other change in the designation of the use of our approximately 417 acres of land in Dodge County described as follows (the "Hills Farm Property"):

All of the real estate owned by Hills Farm, Inc. located in Section 25, Section 26 and Section 36 of Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. in Dodge County, Nebraska, except Lot 1R, Block 1, South Fremont, a Subdivision in Section 26, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska.

Provided, however, that in no event shall any governmental approval for annexation, change of zone, or other change in the designation of the use of the Hills Farm Property become effective unless and until Costco becomes the owner of the Hills Farm Property.

Sincerely,

HILLS FARM, INC.



Fred W. Culp  
President



May 18, 2016

Mr. Troy Anderson  
Director of Planning  
City of Fremont  
400 E Military Avenue  
Fremont, NE 68025

RE: Costco Wholesale / Hills Farm

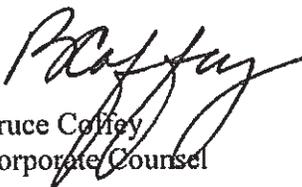
Dear Mr. Anderson:

This will confirm that Theodore R. Johnson of the firm TJ Design Strategies, Ltd. is authorized by Costco Wholesale Corporation to submit, process and act as our agent in connection with all applications to the City of Fremont as it relates to the Hills Farm annexation and rezoning.

Please do not hesitate to call me at (425) 313-6549 should you have any questions or require further information.

Sincerely,

Costco Wholesale Corporation



Bruce Colfey  
Corporate Counsel

cc: T. Johnson



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, CONDITIONALLY ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 417.1 ACRES, MORE FULLY DESCRIBED HEREIN, AND EXTENDING THE CORPORATE LIMITS TO INCLUDE SAID REAL ESTATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a voluntary petition for conditional annexation was timely filed with the offices of the Department of Planning, City of Fremont (City); and

WHEREAS, the City has determined that the subject property is contiguous with the corporate limits, and is urban or suburban in character and not rural in character; and

WHEREAS, the City has determined that it is able to provide certain essential services, such as utilities, police and fire protection, for the subject property so that the inhabitants of said territory shall receive substantially the same services as other inhabitants of the City; and

WHEREAS, a public hearing on the proposed annexation was held by the Planning Commission on June 20, 2016, at which time the Commission unanimously recommended in favor of the proposed annexation; and

WHEREAS, the City has determined that it is in compliance with pertinent annexation requirements of Neb. Rev. Stat. § 16-117;

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

**SECTION 1: CONDITIONAL ANNEXATION.** That the following described real estate, contiguous and adjacent to the City of Fremont, Nebraska, urban or suburban in character and not rural in character, receiving material benefits and advantages from annexation to said City, to-wit:

A TRACT OF LAND TO BE ANNEXED INTO THE CITY OF FREMONT, LOCATED IN PART OF NORTHEAST AND NORTHWEST QUARTERS OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 8 EAST, DODGE COUNTY, NEBRASKA, THENCE EASTERLY ON AN ASSUMED BEARING OF N87°43'50"E ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26, 1130.95 FEET TO A POINT ON THE APPROXIMATE WESTERLY RAILROAD RIGHT-OF-WAY LINE; THENCE S05°07'33"E ON SAID WESTERLY RAILROAD RIGHT-OF-WAY LINE, 1178.00 FEET TO A POINT INTERSECTING THE NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD; THENCE N59°05'58"W ON SAID NORTHERLY RIGHT-OF-WAY LINE; 697.41 FEET; THENCE CONTINUING N86°26'21"W, ON SAID NORTHERLY RIGHT-OF-WAY LINE, 1931.80 FEET; THENCE N02°10'38"W, 1162.85 FEET TO THE NORTHWEST CORNER OF LOT 6, EAST INGLEWOOD SUBDIVISION, A PLATTED AND RECORDED

SUBDIVISION IN DODGE COUNTY; THENCE N87°42'03"E ON THE NORTH LINE OF SAID LOT 6, 545.50 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE N02°06'54"W ON THE EAST LINE OF LOT 5, SAID EAST INGLEWOOD SUBDIVISION, 283.94 FEET TO A POINT ON THE EAST LINE OF LOT 4, SAID EAST INGLEWOOD SUBDIVISION; THENCE N88°10'00"E, 772.03 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE S01°58'55"E ON SAID WEST LINE OF THE NORTHEAST QUARTER, 842.47 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 2,839,313.53 SQ. FT. OR 65.18 ACRES MORE OR LESS.

AND, A TRACT OF LAND TO BE ANNEXED INTO THE CITY OF FREMONT, LOCATED IN PART OF SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, AND PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, AND PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER AND PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 25, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE NORTHEASTERLY ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER ON AN ASSUMED BEARING OF N87°52'30"E, 33.00 FEET TO THE POINT OF BEGINNING; THENCE S58°58'04"E, 191.84 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST CLOVERLY ROAD; THENCE N88°05'46"E ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF EAST CLOVERLY ROAD, 1425.78 FEET TO A POINT OF CURVATURE; THENCE ON A 1308.22 FOOT RADIUS CURVE TO THE RIGHT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF EAST CLOVERLY ROAD, AN ARC LENGTH OF 1030.78 FEET (LONG CHORD BEARS S69°21'38"E, 1004.32 FEET); THENCE S46°47'16"E ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF EAST CLOVERLY ROAD, 1238.40 FEET TO A POINT OF CURVATURE; THENCE ON A 260.00 FOOT RADIUS CURVE TO THE LEFT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF EAST CLOVERLY ROAD, AN ARC LENGTH OF 145.89 FEET (LONG CHORD BEARS S62°49'54"E, 143.98 FEET); THENCE S43°15'11"W, 507.62 FEET; THENCE S02°10'141"E, 149.93 FEET; THENCE S87°49'55"E, 729.97 FEET; THENCE N02°07'45"W, 189.94 FEET; THENCE N02°07'45"W, 256.01 FEET TO A POINT ON THE APPROXIMATE SOUTHWESTERLY RAILROAD RIGHT-OF-WAY LINE; THENCE S46°46'20"E ON SAID SOUTHWESTERLY RAILROAD RIGHT-OF-WAY LINE, 1911.83 FEET TO A POINT ON THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE S02°14'28"E ON SAID EAST LINE OF THE WEST HALF, 1107.05 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S02°12'31"E ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, 1356.15 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE

OF HILLS FARM ROAD; THENCE N70°35'17"W ON SAID NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD, 1410.04 FEET; THENCE N02°14'36"W, 711.27 FEET; THENCE N71°00'17"W, 375.56 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 25; THENCE CONTINUING N71°00'17"W, 825.89 FEET; THENCE N70°58'58"W, 290.07 FEET; THENCE N62°51'54"W, 488.40 FEET; THENCE S01°12'50"E, 631.29 FEET TO A POINT ON SAID SOUTH LINE OF THE SOUTHWEST QUARTER; THENCE N58°57'36"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD, 984.75 FEET TO A POINT INTERSECTING THE NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD AND THE WEST RIGHT-OF-WAY LINE OF YAGER ROAD; THENCE N02°09'03"W ON SAID WEST RIGHT-OF-WAY LINE OF YAGER ROAD, 306.92 FEET TO THE NORTHEAST CORNER OF LOT 1R, REPLAT OF BLOCK 1 SOUTH FREMONT; THENCE S87°49'05"W ON THE NORTH LINE OF SAID LOT 1R, 226.99 FEET TO THE NORTHWEST CORNER OF SAID LOT 1R; THENCE S02°11'37"E ON THE WEST LINE OF SAID LOT 1R, 161.11 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD; THENCE N59°08'09"W ON SAID NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD, 1231.92 FEET TO A POINT INTERSECTING SAID NORTHERLY RIGHT-OF-WAY LINE OF HILLS FARM ROAD AND THE EAST RIGHT-OF-WAY LINE OF SOUTH PLATTE AVENUE; THENCE N02°07'30"W ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH PLATTE AVENUE, 2604.69 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 15,119,539.82 SQ. FT. OR 347.10 ACRES MORE OR LESS.

shall without further action by the City of Fremont, Nebraska be included within the boundaries and territory of the City of Fremont, Nebraska and shall be included within the corporate limits of said City and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of said City upon the satisfaction of the following conditions subsequent:

- (a) The closing of the sale of the property described above by Hills Farm, Inc. to Costco Wholesale Corporation or a wholly owned affiliate thereof by no later than February 28, 2017, failing which the annexation of the property shall not become effective and shall be deemed to be null and void without further action by the City of Fremont, provided that this condition may be waived in writing by Hills Farm, Inc.; and
- (b) The annexation and merger of SID 4 of Dodge County, Nebraska as approved by Ordinance No. 2016-\_\_\_\_\_ by the City Council of the City of Fremont, Nebraska on \_\_\_\_\_, 2016.

**SECTION 2: REPEALER.** All ordinances made in conflict with this Ordinance are hereby repealed.

**SECTION 3: 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 4: EFFECTIVE DATE.** This Ordinance shall take effect and be in full force fifteen days after its passage, approval, and publication as required by law.

APPROVED AND PASSED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Tyler Ficken, City Clerk

# Staff Report

**TO:** Mayor and City Council  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** June 17, 2016  
**SUBJECT:** Zoning Change – 2200 S Downing St.

---

**Recommendation:**  
Hold second reading.

---

**Background:** The agent for the owner of approximately 83.3 acres located at 2200 S Downing St., TJ Design Strategies, on behalf of Costco Wholesale Corporation, is requesting approval of a zoning change from AG Agricultural to GI General Industrial. The reason for the request is to further development plans of the subject property.

The subject property is located along the east side of S Downing St. between Union Pacific railroad right-of-way to the north and Hills Farm Rd. to the south. Properties to the north, opposite the Union Pacific railroad right-of-way, Old Highway 275, and Proctor Rd., is zoned LI Limited Industrial and are listed as commercial uses by the Dodge County Assessor; property immediately east of the subject property is zoned AG Agricultural and is listed as agricultural, property to the south, opposite Hills Farm Rd. is zoned AG Agricultural, and is listed as agricultural; properties to the west are zoned AG Agricultural and GI General Industrial and are listed as residential and agricultural, respectively. The subject property is currently vacant/undeveloped and is listed as agricultural.

The Future Land Use Plan identifies the subject property as Industrial. General Industrial would therefore be consistent with the City's Comprehensive Plan for Future Land Use and Character.

**Fiscal Impact:** N/A



ORDINANCE NO. \_\_\_\_\_

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 2200 S DOWNING STREET, FREMONT, NEBRASKA, FROM AG AGRICULTURAL TO GI GENERAL INDUSTRIAL; 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 request for Zoning Change was filed with the offices of the Department of Planning, City of Fremont (City); and

WHEREAS, the City has determined that the subject property is zoned AG Agricultural and adjoins property owned by the same party that is zoned GI General Industrial; and

WHEREAS, the owner desires zoning district designation of GI General Industrial upon satisfaction of the conditions set forth below; and

WHEREAS, a public hearing on the proposed Zoning Change was held by the Planning Commission on June 20, 2016, and subsequently by the City Council on June 21, 2016; 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. CONDITIONAL 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 AG Agricultural to GI General Industrial:

~~TAX LOTS 22, 23, AND 24, LOCATED IN SECTION 36, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA; AND~~

~~TAX LOT 44, LOCATED IN LOCATED IN SECTION 25, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA;~~ A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 36, AND THE SOUTHEAST QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER (NE1/4), SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE1/4); THENCE ON AN ASSUMED BEARING OF N02°10'04"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER (SE1/4), 2428.25 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OLD HIGHWAY 275; THENCE S46°46'20"E ON SAID SOUTH RIGHT-OF-WAY LINE OF OLD HIGHWAY 275, 1865.14 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER (SE1/4); THENCE S02°14'28"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER (SE1/4), 1107.05 FEET TO THE SOUTHEAST CORNER OF SAID

SOUTHEAST QUARTER (SE1/4), SAID CORNER ALSO BEING THE  
NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE1/4); THENCE  
S02°12'31"E ON THE EAST LINE OF SAID NORTHEAST QUARTER (NE1/4),  
1356.15 FEET; THENCE N70°35'17"W, 1410.04 FEET TO A POINT ON THE  
WEST LINE OF SAID NORTHEAST QUARTER (NE1/4); THENCE  
N02°13'43"W ON SAID WEST LINE OF THE NORTHEAST QUARTER  
(NE1/4), 844.27 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 3,758,234.86  
SQUARE FEET OR 86.277 ACRES, MORE OR LESS

upon the satisfaction of the following condition subsequent:

The closing on the sale of the property described above by Hills Farm, Inc. to Costco Wholesale Corporation or a wholly owned affiliate thereof by no later than February 28, 2017, failing which the rezoning of the property described herein shall not become effective and shall be deemed to be null and void without further action by the City of Fremont, provided that this condition may be waived in writing by Hills Farm, Inc.

**SECTION 2. 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 3. 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 4. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force fifteen days after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Tyler Ficken, City Clerk