



BUFFALO COUNTY ZONING & FLOODPLAIN

Buffalo County Courthouse
1512 Central Avenue
PO Box 1270
Kearney, NE 68848
Phone: (308) 236-1998
Fax: (308) 236-1870
Email: zoning@buffalocounty.ne.gov

ZONING AGENDA ITEM #1

MEETING DATE: March 12, 2024

AGENT: Mitch Humphrey, Licensed Land Surveyor, on behalf of Eric C.D. Roubicek and Heather Roubicek

SUBJECT: Application for Preliminary Subdivision, “Roubicek Subdivision”, located in part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Discussion:

On October 10, 2023, The Buffalo County Zoning Administrator presented the denial of a proposed final plat, “Roubicek Subdivision”, due to time lapse between the approval of the original preliminary plat and revisions to the Buffalo County Zoning and Subdivision Regulations in 2021.

On December 14, 2023, The Buffalo County Board of Adjustment approved the additional relaxations required to reapply.

1. This board found that the strict application would cause undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of such variance will not be of substantial detriment to the adjacent property and the character of the district will not be changed by the granting of the variance;
4. The granting of the variance is not based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

A motion was made by Vice-Chairperson Pierce, seconded by Mr. Gangwish, to approve the request for the variance under Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road, Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street, Section 2.35, defining a street, and Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road, situated in the North Half of the

Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Voting "Aye": Gangwish, Vest, Pierce, and Pemberton-Riege.

Absent: Hardesty and White.

Abstain: None.

Voting "Nay": None.

At the February 15, 2024, Buffalo County Planning Commission Meeting, a motion was made by Vest and seconded by Biehl to recommend forwarding the Application for Preliminary Subdivision, favorably, on an 9-0 vote, with no abstentions and no absences.

Upon roll call vote, the following Board members voted "Aye": Vacek, Vest, Wolfe, Stubblefield, Brady, Biehl, Jeffs, Keep, and Schmidt.

Voting "Nay": None.

Abstain: None.

Absent: None.

This office received one letter of opposition from an anonymous party, which is enclosed in your packet.

Per Subdivision Regulations, Section 3.09 (A-C), the Board, after notice and public hearing, shall approve the preliminary plat, disapprove the preliminary plat, or approve with conditions, to satisfy Buffalo County Subdivision Regulations.

Planning & Zoning Commission Minutes

February 15, 2024

MINUTES OF PLANNING AND ZONING COMMISSION
FEBRUARY 15, 2024
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice. A copy of the proof of publication is on file in the Zoning Administrator's Office. Advance notice of the meeting was also given to the Planning and Zoning Commission and availability of the Agenda was communicated in the advance notice. The Agenda is available for anyone wanting a copy.

Interim Chairperson Scott Brady opened the meeting at 7:03 P.M. on February 15, 2024.

In Attendance: Tammy Jeffs, Kurt Schmidt, Randy Vest, Scott Stubblefield, Francis "Buss" Biehl, Marc Vacek, Loye Wolfe, Scott Brady, and Willie Keep.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, and Josiah Davis, the new deputy county attorney. There were a few members of public that were present during the opening portion of this agenda item.

Interim Chairperson Brady announced The Open Meetings Act and agendas were available if anyone wished to have one.

Interim Chairperson Brady turned the meeting over to Zoning Administrator Dennise Daniels.

Zoning Administrator Daniels began with the Re-Organizational Meeting of Officers.

Zoning Administrator Daniels called for nominations for a Chairperson. Mr. Biehl nominated Scott Brady, seconded by Ms. Jeffs. Zoning Administrator Daniels called for further nominations three times. No additional nominations were made.

The motion was made by Mr. Biehl and seconded by Ms. Jeffs, ceased nominations.

Upon roll call vote, the following Board members voted "Aye": Jeffs, Schmidt, Vest, Stubblefield, Biehl, Keep, Vacek, and Wolfe.

Voting "Nay": None.

Abstain: Brady.

Absent: None.

Motion carried: nominations were ceased.

Zoning Administrator Daniels asked if there were other nominations for Chairperson. No one spoke. A motion was made by Ms. Wolfe, seconded by Mr. Schmidt, to cast a unanimous ballot for Scott Brady.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vest, Stubblefield, Biehl, Keep, Vacek, and Wolfe.

Voting “Nay”: None.

Abstain: Brady.

Absent: None.

Motion carried: Scott Brady declared Chairperson.

Zoning Administrator Daniels turned the meeting over to Chairperson Brady.

Chairperson Brady discussed the cancellation the January Meeting with The Commission.

Chairperson Brady called for nominations for Vice-Chairperson. A nomination was made by Mr. Vacek to nominate Willie Keep for Vice-Chairperson and seconded by Mr. Vest. Chairperson Brady called for further nominations three times. No additional nominations were made.

A motion, made by Mr. Vacek, and seconded by Mr. Schmidt, ceased nominations.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vest, Stubblefield, Biehl, Vacek, Wolfe, and Brady.

Voting “Nay”: None.

Abstain: Keep.

Absent: None.

Motion carried: nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Willie Keep as Vice-Chairperson, motion was made by Mr. Biehl, seconded by Mr. Vest.

Upon roll call vote, the following Board members voted “Aye”: Schmidt, Vest, Stubblefield, Biehl, Vacek, Wolfe, Jeffs, and Brady.

Voting “Nay”: None.

Abstain: Keep.

Absent: None.

Motion carried: Willie Keep declared Vice-Chairperson.

Chairperson Brady called for nominations for Secretary. A nomination was made by Ms. Jeffs, to nominate Loye Wolfe for secretary and seconded by Mr. Vest. No additional nominations were made.

A motion was made by Mr. Vest, seconded by Mr. Biehl, to cease nominations.

Upon roll call vote, the following Board members voted “Aye”: Vest, Stubblefield, Biehl, Keep, Vacek, Brady, Jeffs, and Schmidt.

Voting “Nay”: None.

Abstain: Wolfe.

Absent: None.

Motion carried: nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Loye Wolfe as Secretary. A motion is made by Ms. Jeffs and seconded by Mr. Schmidt.

Upon roll call vote, the following Board members voted "Aye": Stubblefield, Biehl, Keep, Vacek, Brady, Jeffs, Schmidt, and Vest.

Voting "Nay": None.

Abstain: Wolfe.

Absent: None.

Motion carried: Loye Wolfe declared Secretary.

The public forum was opened at 7:10 P.M. The public forum closed at 7:10 P.M.

Public Hearing. 6(a)

Chairperson Brady opened the public hearing for Agenda Item 6(a) at 7:11 P.M. regarding an Application for Preliminary Subdivision, "Roubicek Subdivision", filed by Eric C.D. Roubicek and Heather Roubicek, located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Mitch Humphrey, of Buffalo Surveying Corporation, stepped forward to re-present the application. Mr. Humphrey explained that he was in front of The Commission to re-present the application for preliminary subdivision on behalf of Eric C.D. Roubicek and Heather Roubicek, who was, also, in attendance at the meeting.

Mr. Humphrey provided a history on the subdivision. He explained this, particular, project had started before COVID and, after a couple of presentations to The County Board of Commissioners and to The Buffalo County Board of Adjustments, the application could, now, be considered.

Mr. Humphrey explained, the preliminary plat had already been presented, but when the final plat was submitted for approval, it was discovered that the regulations had changed between the approval of the preliminary plat and the filing of the final plat. Mr. Humphrey reviewed the relaxations that were required. Continuing, he testified that the applicants had gone, again, to the Board of Adjustment, and received the additional relaxations they needed to move forward with the preliminary plat.

Mr. Humphrey asked The Commission if they had any questions. No one spoke.

Deputy County Attorney Hoffmeister reviewed the history of this area of Buffalo County, advising The Commission this particular area was subdivided prior to the adoption of zoning. He explained Buffalo County is, now, attempting to arbitrate those areas to maximize the use of this area and avoid excessive waste of land, as well as the deterioration of the neighborhood. Furthermore, he counselled, there will be other landowners in this area that may wish to subdivide, as well, and that will need to be considered.

Deputy County Attorney Hoffmeister introduced Buffalo County's new deputy county attorney, Josiah Davis and provided a background on his education and work history.

Mr. Humphrey provided the preliminary plat and final plat process to The Commission.

The history of the easement, accessing the property, was discussed.

Chairperson Brady closed the public hearing at 7:26 P.M.

Motion was made by Mr. Vest, seconded by Mr. Biehl, to recommend favorably the Application for Preliminary Subdivision, "Roubicek Subdivision", filed by Eric C.D. Roubicek and Heather Roubicek, located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to The Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted "Aye": Vacek, Vest, Wolfe, Stubblefield, Brady, Biehl, Jeffs, Keep, and Schmidt.

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Workshop Session. 7(a)

Chairperson Brady announced Item 7(a) at 7:28 P.M. and opened discussion for revision of the Buffalo County Zoning and Subdivision Regulations as part of the Buffalo County Comprehensive Plan, or the general plan for the improvement and development of the county outside of the jurisdiction of any city or village, as required per Neb. Rev. Stat. §23-174.06.

The Commission re-reviewed the Permitted Principal Uses and Specially Permitted Uses under the Agricultural (AG), Agricultural – Residential (AGR), and Agricultural – Residential 2 (AGR 2) Districts.

They, also, reviewed Livestock Confinement Operations, Accessory Buildings, Procedures for Requesting a Variance, Administrative Provisions and Enforcements, and appendices for Zoning Regulations.

Zoning Administrator Daniels stated that she wished to review the revisions that were proposed at the November 16, 2023 meeting to ensure The Planning Commission found the revisions to be acceptable and to discuss other small verbiage corrections. The Commission found those variations to be acceptable.

The Commission, also, re-reviewed the Subdivision Regulations. They considered revisions to Amendments to Preliminary Plats after Approval, Publication Requirements for The Board of Adjustment, and Section 9.03, Amendments.

Chairperson Brady closed the discussion on this agenda item at 9:54 P.M.

Old Business

Minutes

Motion was made by Mr. Schmidt, seconded by Mr. Vacek, to approve the minutes of the November 16, 2023 meeting, as presented.

Upon roll call vote, the following Board members voted “Aye”: Biehl, Jeffs, Keep, Schmidt, Vacek, Vest, Wolfe, Stubblefield, and Brady.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator reviewed the 2023 Annual Zoning and Floodplain Report with The Commission, and it was accepted.

Motion was made by Mr. Biehl, seconded by Vice-Chairperson Keep, to accept the 2023 Annual Zoning and Floodplain Report.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Keep, Schmidt, Vacek, Vest, Wolfe, Stubblefield, Brady, and Biehl.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

New Business, Correspondence and Other Business

Zoning Administrator Daniels provided a report from the November 16, 2023 Planning and Zoning Commission Hearing. The Special Use Permit Application, on behalf of Larry D. Wells, Sole Member of Foothill Farms, L.L.C., to erect a 385-foot guyed tower with accompanying equipment in Section 17, Township 9 North, Range 18 West of the 6th P.M, Buffalo County, Nebraska. It was approved by The Board of Commissioners on January 9, 2024, but there were some errors in the legal description. The minutes were reviewed, amended, and approved by The Board of Commissioners on January 23, 2024.

Zoning Administrator Daniels updated The Commission on a new, possible GIS vendor.

Zoning Administrator Daniels reviewed the proposed subdivision “Tucker Subdivision” and corresponding letter to the city of Kearney. The Commission had no concerns regarding the letter.

Zoning Administrator Daniels, also, highlighted the annexation of “Arbor View Third”.

Next Meeting

The next meeting will be March 21, 2024. Zoning Administrator Daniels notified The Commission that they would have a regular meeting to review a special use permit application for a gravel/sand quarry and a special use permit to stockpile concrete.

Chairperson Brady reminded The Commission of the upcoming Planning and Zoning Conference upcoming in March, if anyone wanted to attend.

Chairperson Brady updated The Commission on changing legislation, affecting county governments, and recommended The Commission be aware of the developing revisions.

Adjourn

Chairperson Brady adjourned the meeting at 10:13 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Loye Wolfe, Secretary
Buffalo County Planning Commission

Zoning Agenda

Item #1

1-9-16 Riverdale
Tract in N 1/2 SW 1/2

**APPLICATION FOR LAND DEVELOPMENT IN ACCORDANCE WITH BUFFALO
COUNTY SUBDIVISION REGULATIONS**

Buffalo County Zoning Office
1512 Central Ave., PO Box 1270 Kearney, NE 68848
308-236-1998 www.buffalogov.org

Type of Plat Administrative Sub _____ Preliminary Plat XX Final Plat _____
Vacation of Plat _____ Variance _____

The zoning administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Subdivision name: ROUBICEK SUBDIVISION Date 01/15/2024

Owner's name: Eric D. Roubicek and Heather Roubicek, husband and wife

Owner's home address: 10455 North 1st Avenue Place, Kearney, NE 68847

Telephone number(home): 308-708-3900 (daytime) _____

Developer's name: Same as above

Developer's address: Same as above

Buffalo Surveying Corp., Mitchell W. Humphrey, Nebr. Reg. L.S. No. 492

Engineer's name and address: 5308 Parklane Drive, Ste 3, P.O. Box 905, Kearney, NE 68848-0905

List all people who own, have liens and other interest Farmers and Merchants Bank, Beneficiary
under Deed of Trust

Present use of property: Rural Residential

Desired use of property: Rural Residentail Present Zoning AGR

Legal Description of property: See Attached Sheet

Area of property(square feet and/or acres) 6.38 Acres

Number of lots or parcels: Two (2)

School District _____ Fire District _____

Please attach exhibits (plat, easements, water courses, surveyor's certificate with legal description, copy of covenants, DEQ permits, etc if applicable)

The above requested information is, to the best of my knowledge, true and accurate.

Signature of Owner: _____ Printed Name Eric D. Roubicek

And agent: _____

Mitchell W. Humphrey

Preliminary Plat approval date: _____

Action Taken: _____

P & Z Recommendation: _____ approved _____ disapproved Date: _____

County Commissioners: _____ approved _____ disapproved Date: _____

Office Use Only	
Permit Number	<u>2024-001</u>
Filing Fee	<u>340.00</u> Receipt # <u>974944</u>
Zoning Classification	<u>AGR</u>
Floodplain Yes or No	<u>1/17/24 AL</u>
8/09	Date Initial

PROPOSED
ROUBICEK SUBDIVISION

AN SUBDIVISION BEING PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4)
OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 16 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
BUFFALO COUNTY, NEBRASKA.

LEGAL DESCRIPTION

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49"E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42°40'36" E a distance of 225.54 feet; thence N 65°22'41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25°40'57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65°22'41" W a distance of 132.00 feet; thence S 42°40'36" W a distance of 240.00 feet to the place of beginning.

NOTE

Prepared by Buffalo Surveying Corporation, on this 30th day of June 2018 and revised 15th day of January 2024 at the request of Eric C. D. Roubicek and Heather Roubicek, husband and wife, the being the owners, to reflect the Preliminary Plat as shown.

Address of Owner:

Eric C. D. Roubicek
Heather Roubicek
P.O. Box 2143
10455 N. 1st Avenue
Kearney, NE 68847

Zoning: The subject property is presently zoned Agricultural Residential and is to remain the same.

Acreage: 6.37 acres +/-

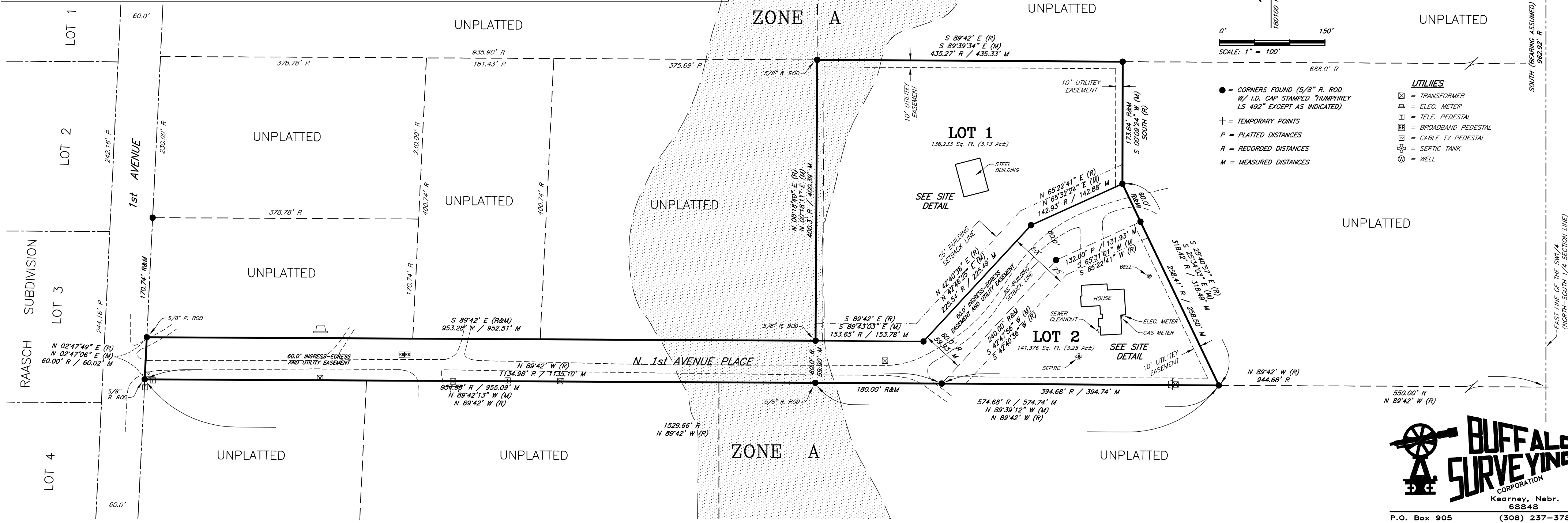
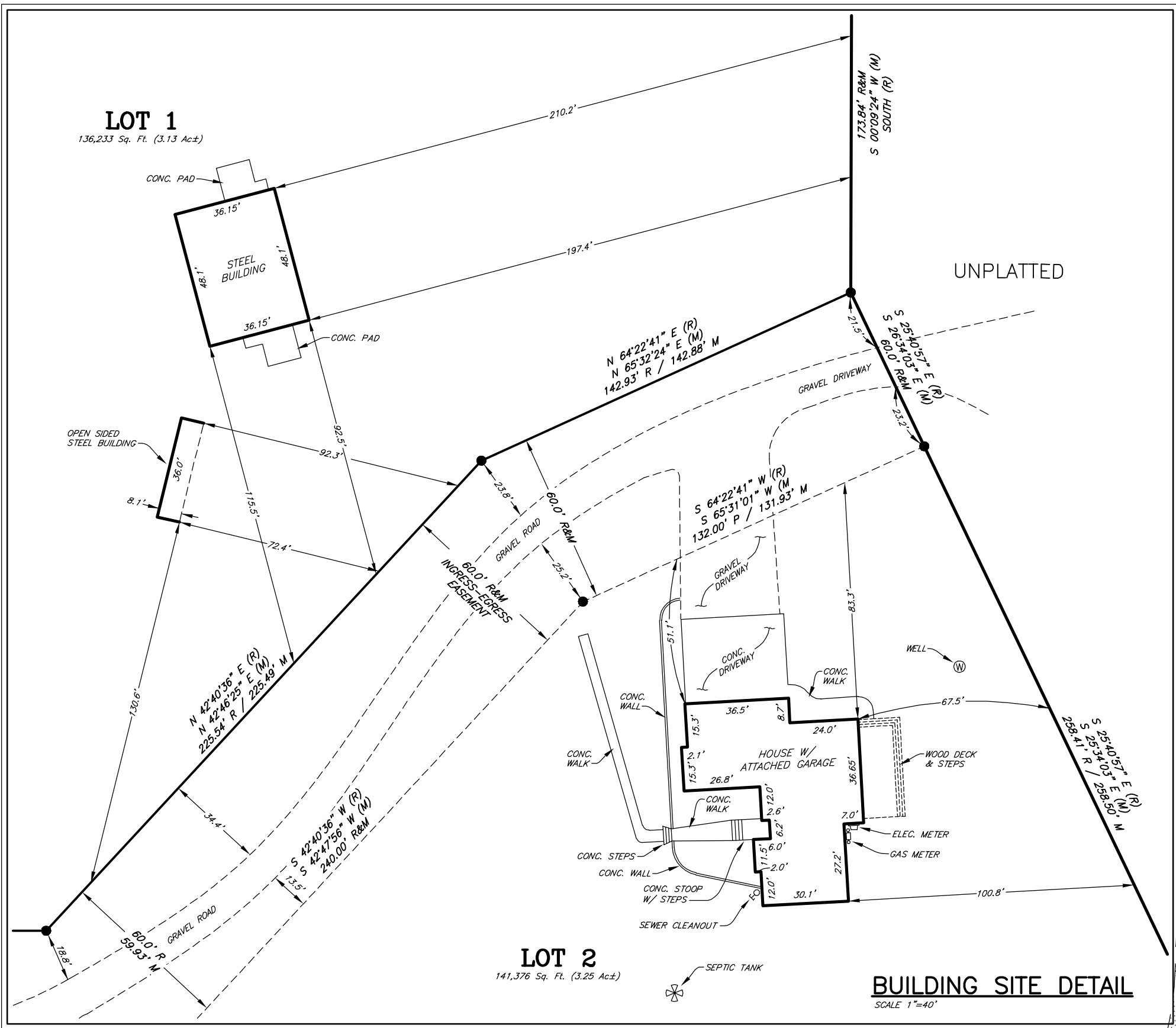
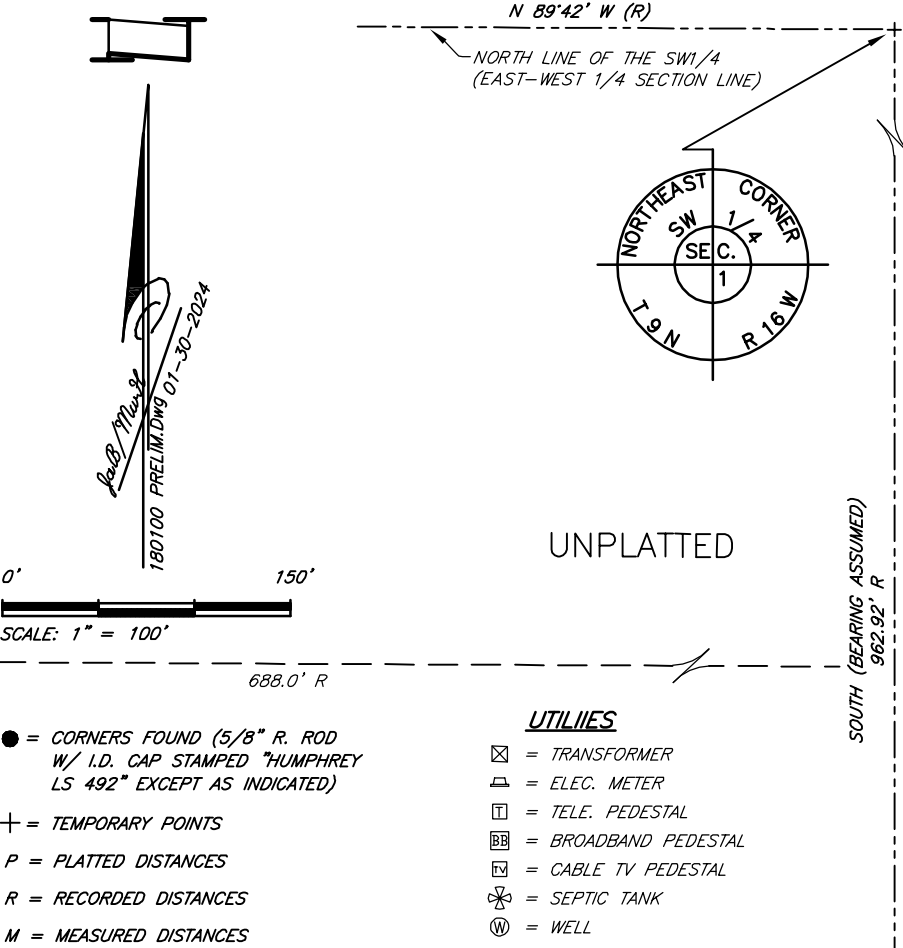
Storm Water Management: The storm water sheet flows from the site to the existing drainage ways with no significant additional drainage control required.

Road Profile and Grading: The proposed lots will be accessed via an existing driveway/road located within an existing ingress-egress easement filed of public record. No road profiles and grading plan is required.

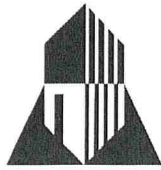
Floodplain: A portion of the subject property is located within a designated floodplain. However the floodplain is not located in the area of the existing house located on Lot 2 or the portion of Lot 1 where the building site is located.

NOTE

The ingress-egress easement shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by the county. The property owner and successor thereto agrees not to request road maintenance from Buffalo County until such time as the ingress-egress easement is approved and dedicated to the public as a private street or public road and is brought to the then applicable Buffalo County Public Street Improvement Requirement standards.



Kearney, Nebr.
68848
P.O. Box 905 (308) 237-3785



NEBRASKA TITLE COMPANY

SERVICE BEYOND EXPECTATION

LIMITED TITLE REPORT

FILE NO: NTK0010270

**TO: Buffalo Surveying Corporation
Mitchell Humphrey**

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of Buffalo County, Nebraska have been carefully examined with reference to the following described property, and from such examination finds as follows:

LEGAL DESCRIPTION:

A tract of land being part of the North Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00° 18' 40" E a distance of 400.3 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25° 40' 57" E a distance of 318.42 feet to the place of beginning. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows; Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42° 40' 36" E a distance of 225.54 feet; thence N 65° 22' 41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25° 40' 57" E and on the Easterly line of the aforescribed tract of land a distance of 60.00 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65° 22' 41" W a distance of 132.00 feet; thence S 42° 40' 36" W a distance of 240.00 feet to the place of beginning.

Address: 10455 North 1st Avenue Place, Kearney, NE 68847

GRANTEE IN LAST DEED OF RECORD:

Eric C. D. Roubicek and Heather Roubicek, as joint tenants and not as tenants in

common

UNRELEASED LIENS OF RECORD:

- a. Deed of Trust executed by Eric C. D. Roubicek and Heather D. Roubicek, husband and wife, Trustor to Farmers and Merchants Bank, Trustee for MERS (Mortgage Electronic Registration Systems, Inc.), MIN # 100815200007073991, acting solely as a nominee for Lender (Farmers and Merchants Bank), Beneficiary, in the stated amount of \$159,000.00, dated January 6, 2011, recorded January 11, 2011, as Inst. No. 2011-319.

JUDGMENTS OR TRANSCRIPTS OF JUDGMENTS:

None of Record

TAXES/ASSESSMENTS:

2021 and all prior years - paid in full
2022 in the amount of \$6,075.56 - First Half Paid
Second Half Taxes due September 1, 2023.
Parcel ID No.: 560006029
Assessed Value: \$370,650.00


- a. Special assessments not yet certified to the Office of the County Treasurer. (Note: No special assessments are shown in the Office of the County Treasurer at date hereof.)

EASEMENTS AND RESTRICTIONS OF RECORD:

- a. Oil and Gas Lease recorded July 21, _____ in Book 27, Page 521.
- b. Gas Utility Easement recorded December 12, 1994 on Roll 94, Page 18247.
- c. Declaration of Protective Covenants recorded April 19, 1996 as Inst. 96-2497.
- d. Easement recorded March 20, 1997 as Inst. 97-1650.
- e. Amendment of Declaration of Protective Covenants recorded April 16, 1998 as Inst. 98-2551.
- f. Easement recorded July 23, 1999 as Inst. 1999-6005.
- g. Modification of Easement Agreement recorded August 24, 1999 as Inst. 1999-6864.
- h. Second Amendment of Declaration of Protective Covenants recorded August 28, 2000 as Inst. 2000-5893.
- i. General Conveyance, Assignment, and Bill of Sale recorded April 16, 2007 as Inst. 2007-2577.
- j. Ingress-Egress Right-of-Way Easement Agreement recorded November 15, 2017 as Inst. No. 2017-06864.
- k. Board of Adjustment Minutes Certificate recorded July 18, 2019 as Inst. No. 2018-03982.

Effective Date: June 15, 2023 at 8:00 am

Nebraska Title Company

By 
Registered Abstractor

Please direct inquiries to: Ariel Suhler

NOTE: THIS IS AN INFORMATIONAL TITLE REPORT

This report is not a guarantee or warranty of title, nor is it an abstract of title, nor is this a commitment to provide, nor does it provide title insurance. Liability hereunder is expressly limited to the sum of \$1,000.00.

Report of History on Proposed Development

Buffalo County Planning & Zoning

1512 Central Avenue, PO Box 1270 • Kearney, Nebraska 68848

Phone (308) 236-1998 • Fax (308) 236-1870 • Email: zoning@buffalocounty.ne.gov



To: Buffalo County Board of Commissioners

From: Dennise Daniels, Zoning Administrator

Subject: Summary Report of Denial for Proposed Plat

On, or around, September 11, 2023, The Buffalo County Zoning Office received an Application for Final Plat for “Roubicek Subdivision”, from Mitch Humphrey, Registered Land Surveyor, for a tract of land being part of the North Half of the Southwest Quarter in Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2023-063, in the Buffalo County Zoning Records.

Upon review of the Buffalo County Zoning Records, there is a noteworthy history, subsequently and chronologically listed in this letter, with this particular tract of land.

On, or around, June 19, 2018, Eric C. D. Roubicek and Heather Roubicek, submitted an Application for Zoning Variance for a subdivision of land, to be known as “Roubicek Subdivision”, being part of the North Half of the Southwest Quarter in Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska. On July 12, 2018, The Buffalo County Board of Adjustment held a public hearing, with a vote of 5-0 with one absence, and that board found that:

“1. That the applicant has demonstrated that a strict application of the regulations would produce an undue hardship in the form of width and length of the road, access to Lot 1, that the requirement does not serve the need of the people, unduly limit of development and because of the floodplain.

2. That this hardship is not shared by other properties in the Agricultural-Residential zoning district and/or in the same vicinity.

3. That the authorization of such variance will not be of substantial detriment to adjacent properties.

4. The character of the Agricultural-Residential district will not be changed by the granting of the variance.

5. We find that the granting of such variance is based upon reasons of demonstrable and exceptional hardship. Specifically, that the hardship has been demonstrated as inability to develop and that it is exceptional because of the road design and difficulty caused by the topographical conditions and the floodplain.

6. We find that this undue hardship is not merely a matter of convenience to the applicant.

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7. We find that this undue hardship is not merely a matter of rendering the land or desired plans more economical, profitable, or valuable than it is or would be without the variance.

8. We find that the undue hardship is not for the purposes of caprice (whim, notion, impulse or fad).”

On, or around, July 30, 2018, Mitch Humphrey, then, submitted an Application for Preliminary Plat for “Roubicek Subdivision”. On August 16, 2018, The Buffalo County Planning Commission, after public hearing, gave a favorable recommendation to the proposed preliminary plat. On September 11, 2018, The Buffalo County Board of Commissioners, after public hearing, approved under Resolution 2018-38, the preliminary subdivision with the following relaxations:

1. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66’ (Section 4.03 Subdivision),
2. Relaxation of the width of street to be 66’ (Section 4.03 Subdivision)
3. Relaxation of access from public street or road (Section 4.13 (Subdivision)
4. Set back of 50’ from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution).

On June 17, 2021, The Buffalo County Planning Commission, after a public hearing, forwarded proposed code amendments of The Buffalo County Zoning and Subdivision Regulations, regarding clarification and requirements of accesses, to The Buffalo County Board of Commissioners. On July 13, 2021, The Buffalo County Board of Commissioners, by simple majority, approved the amendments, as presented, under Resolution 2021-43.

On, or around, September 11, 2023, The Buffalo County Zoning Office received an Application for Final Plat for “Roubicek Subdivision”, filed by Mitch Humphrey, Registered Land Surveyor, for the same tract of land.

While reviewing the proposed final plat, “Roubicek Subdivision”, and all applicable Zoning and Subdivision Regulations, to ensure compliance, the following regulations, which are including, but not limited to, the subsequent provisions, were considered:

Under Resolution 2021-43, which removed easements as a means of access and required all newly-developed or subdivided lots to abut a public or private road, sixty-six (66) feet in width, were approved that, directly, affected the proposed subdivision:

1. Buffalo County Subdivision Regulations, Section 1.05, states, “No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts before and after

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- subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution. (Resolution 7-13-2021)".
2. Buffalo County Subdivision Regulations, Section 2.35, defines a street as, "A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street. (Resolution 7-13-2021)".
 3. Buffalo County Subdivision Regulations, Section 4.02 (E), states, "All lots shall have a minimum of 25 feet width along a street or road. (Resolution 7-13-2021)".
 4. Buffalo County Zoning Regulations, Section 5.32 (2), states: "Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from livestock confinement facilities (Resolution 07-13-2021);".

For the purpose of filing a final plat, there are other subdivision regulations that are, also, applicable.

1. Buffalo County Subdivision Regulations, Section 3.10, states, "...a new preliminary plat may be required if the subdivision resolution, the design standards or the requirement improvements have been amended by the board; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations."
2. Buffalo County Subdivision Regulations, Section 3.14, states, "...if the preliminary plat is still in effect...The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the design standards set out in Chapter 4 herein..."

With careful consideration given to the amendments made to various chapters and sections regarding accesses, in the Buffalo County Zoning and Subdivision Regulations, directly affecting the proposed subdivision, and a review of the proposed plat, "Roubicek Subdivision", inventoried as Permit #2023-063 in the Buffalo County Zoning Records, the final plat, submitted as, "Roubicek Subdivision" is not compliant and is, therefore, denied based on the above listed reasons 1 through 4. The potential of creation of another lot, north of the easement way to the Roubiceks', then, existing two houses was discussed in the 2018 variance hearing. However, the Board of Adjustment solely considered the items before them and not the creation of an additional lot, north of the easement way. Accordingly, reasons 1 through 4 apply to the current request.

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The applicants and their agent have received a copy of this report. They may seek appeal of the Zoning Administrator's decision by requesting a variance within ten (10) days from the date of decision by The Zoning Administrator, under Buffalo County Zoning Regulations, Section 9.4.

Application for Variance & Accompanying Documentation

Riverdale
1-9-16

APPLICATION FOR ZONING VARIANCE
BUFFALO COUNTY NEBRASKA

INSTRUCTIONS:

Fill out application form completely. **Please type or print.** Use additional sheets if necessary.
Please sign the application form. **Filing fee is \$100.00 plus estimated cost of publication posted at time of filing, made payable to Buffalo County** Please contact the Buffalo County Planning & Zoning Administrator if you have any questions.

Date June 19, 2018

1. Property owner's name Eric C. D. Roubicek & Heather Roubicek, husband & wife Telephone # _____

2. Property owner's address P.O. Box 2143, Kearney, NE Zip Code 68848

3. Address and complete legal description of property 10455 N. 1st Avenue, Kearney, NE 68857

See Attached Sheet for Legal Description.

4. For what section (s) or provisions (s) of the zoning or subdivision regulations are you seeking a variance? _____

Section 4.03, Road and other right-of-way. Width and Length.

5. What are you proposing to do that requires you to seek board action? Subdivision of the overall tract into 2 separate

tracts to be in excess of 3+ acres

Proposed Value \$

6. Provide a brief statement setting out how this application will meet each of the five conditions as described in the instruction sheet accompanying this application.

A. Uniqueness See Attached Sheet

B. Adjacent Property—

North Rural Residential Use (Zoned AGR)

South Rural Residential Use (Zoned AGR)

East Rural Residential Use (Zoned AGR)

West Rural Residential Use (Zoned AGR)

C. Hardship See Attached Sheet

D. Public Interest See Attached Sheet

E. Spirit and intent of the zoning regulations See Attached Sheet

Submit a copy of a sketch which includes the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

The zoning administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

COMMENCEMENT MUST BEGIN WITHIN 120 DAYS OF DATE APPROVED

CONSTRUCTION MUST BE COMPLETED WITHIN 2 YEARS

The above requested information is, to the best of my knowledge, true and accurate.

Signature of Applicant _____

Signature of Agent [Signature]

Printed Name _____

Printed Name Mitchell W. Humphrey, Nebr. Reg. L.S. 492

Buffalo County Zoning
1512 Central Ave.
PO Box 1270
Kearney, NE 68848
308-233-5640

7/12/18 hearing
approved

Office Use Only	
Permit Number	<u>2018-045</u>
Amount	<u>120 -</u> Receipt # <u>74631</u>
Floodplain Yes or No	<u>No</u> Date <u>6/19/18</u> Initial <u>LS</u>

LEGAL DESCRIPTION

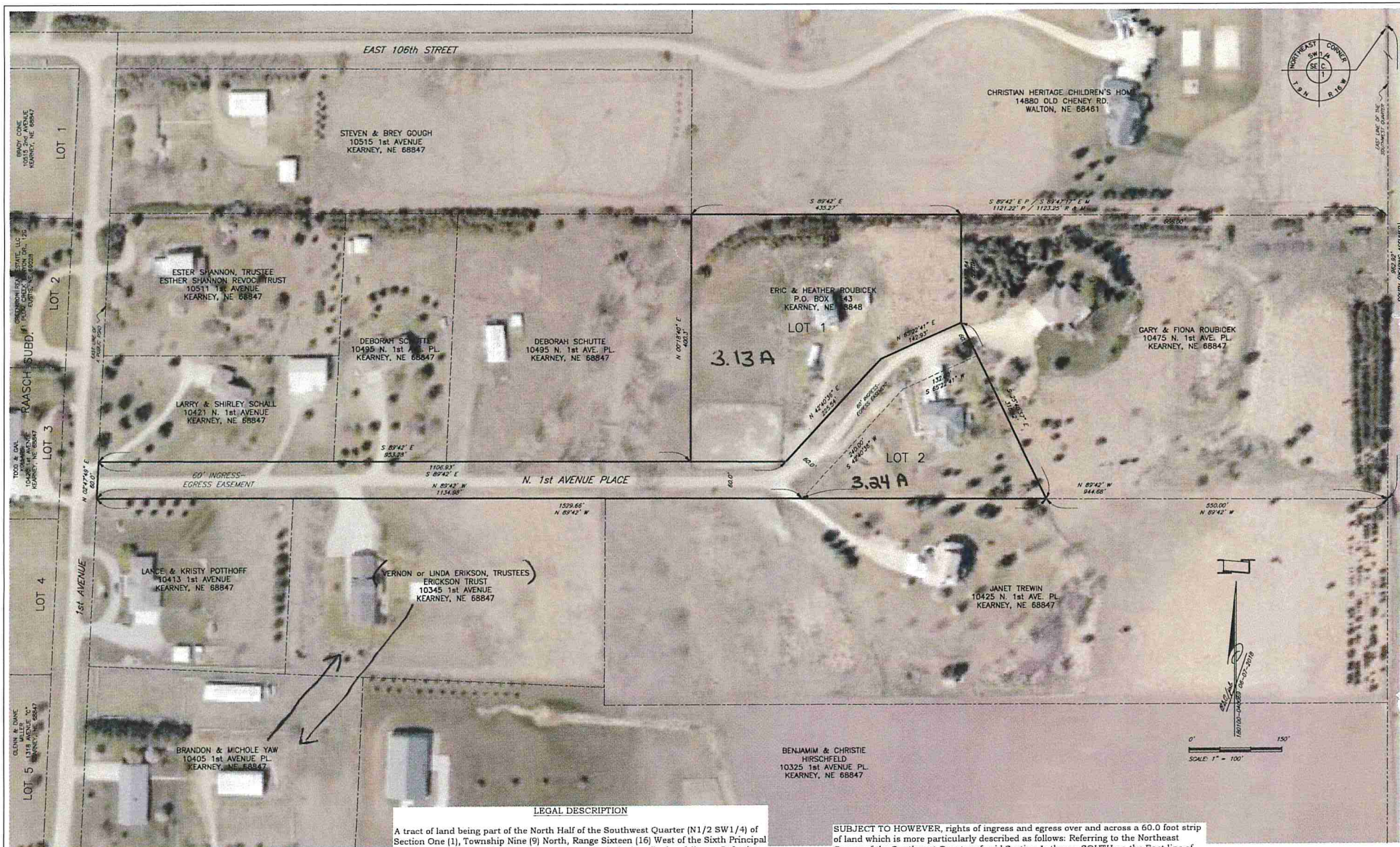
A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42°40'36" E a distance of 225.54 feet; thence N 65°22'41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25°40'57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65°22'41" W a distance of 132.00 feet; thence S 42°40'36" W a distance of 240.00 feet to the place of beginning.

STATEMENTS ADDRESSING SECTION 6 OF THE APPLICATION FOR ZONING VARIANCE

6. The subject property is situated along 1st Avenue as shown on the plat of Raasch Subdivision. The frontage along 1st Avenue is 60.0 feet and the

60.0' wide strip extends approximately 1106.93 feet to the east, with the 60' wide strip being the access to the subject property and another property owned by others to the east. The total length of the 60' wide strip used as a road access easement is a total of approximately 1490' long terminating on the East line of the subject property. The road located within the existing easement serves as access to the the house site to the East of the subject property and several properties adjacent to the North and South.

- B. Adjacent properties to the North, South, East and West are presently rural residential tracts zoned Agricultural Residential (AGR).
- C. Hardship: The existing strip of land used for the road access easement is 60' wide and does not conform to the minimum right-of-way widths required by current regulations. The property owner can't acquire additional land to allow for compliance of minimum road right-of-way width regulations (66') without causing adjacent properties to become nonconforming tracts. The easement is in excess of 600' in length.
- D. Public interest: There will not be road right-of-way dedicated to the County. The existing road used to access the property will continue to be maintained by the property owners. There will not be a significant amount of additional traffic using the public roads located in the Raasch Subdivision to the highway upon platting of the additional lots.
- E. Spirit and intent of the Zoning Regulations: The existing road access is being used by owners of the subject property and adjacent properties. The lots to be platted will consist of acreages in excess of 3 acres. Each will conform to minimum lot size regulations. The subject property and lands around and adjacent to the property is zoned AGR. The AGR zoning district extends for many miles to the West, 2 miles North, 3.5 miles to the East and approximately 0.4 miles South to the City of Kearney's Extra Territorial Jurisdiction line.



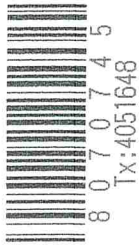
LEGAL DESCRIPTION

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW 1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less.

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P.O. Box 905 (308) 237-3785



2018-03982

KELLIE JOHN

BUFFALO COUNTY REGISTER OF DEEDS

KEARNEY, NEBRASKA

RECORDED ON: 07/18/2018 02:46:08 PM

CERTIFICATE-CERT

REC FEE: 0.00

PAGES: 5

PD: NO FEE DOCUMENT

ESCROW:

CK: BUFFALO COUNTY ZONING FILING

**Return to Buffalo County Zoning
PO Box 1270
Kearney, NE 68848**

Title of Document Board of Adjustment Minutes

CERTIFICATE

STATE OF NEBRASKA COUNTY OF BUFFALO COUNTY

I, LeAnn Klein, Zoning Administrator of Buffalo County, Nebraska to hereby certify that the variance listed below is a true and correct portion of the minutes of the Board of Adjustment for Buffalo County for the meeting held on the 12th day of July, 2018. This should be indexed against property owned by Eric C.D. Roubicek and Heather Roubicek, as found in Inst. 2011-1256.

Chairperson Wilke opened the public hearing at 4:05 P.M. submitted by Mitchell Humphrey on behalf of Eric C.D. and Heather Roubicek for a tract of land being part of the North Half of the Southwest Quarter of Section One, Township Nine North, Range Sixteen West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00° 18' 40" E a distance of 400.3 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25° 40' 57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence South on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42° 40' 36" E a distance of 225.54 feet; thence N 65° 22' 41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25° 40' 57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65° 22' 41" W a distance of 132.00 feet; thence S 42° 40' 36" W a distance of 240.00 feet to the place of beginning.

Mitchell Humphrey was present and he is representing the Roubiceks and he told the Board they want to take a chunk of land east of Raasch Subdivision and get approval for the road as shown on the overhead projector. Currently this road is an easement of 60' and is narrower than the 66'

that is now required by the current zoning regulations. Most of the house sites are less than three acres and it would not be possible to purchase additional right-of-way. Humphrey told the Board they want to divide Roubicek's parcel into two parcels, both being over three acres. The north parcel would be 3.13 acres and the south parcel would be 3.24 acres. They won't be asking for road top maintenance. The length of the road is rather long. This road has been there since 1992.

Fisk asked if the 3.24 acres includes the road easement. Humphrey replied it does.

Heiden asked if the other road that ties into 1st Avenue was 60' wide. Humphrey thought it was.

Humphrey said these seven driveways leading off of 1st Avenue has been in existence quite some time. There is also an easement leading to Gary and Fiona Roubicek's property to the east of Eric and Heather Roubicek's property. They are asking to grant a variance for 60' in width and are asking for a variance for the extended length of the road.

Fisk asked if a topographical map had been furnished if the road rises more than six feet. Humphrey replied he didn't have a topographical map.

Heiden asked if the County would put road in, how wide would it be? Humphrey replied the County would not put a road in at this location.

Fisk said they would also need a third variance to require a road access to Lot 1 and the applicant could amend this application to request a third variance for road access to Lot 1.

Humphrey said their intention is to keep this road as an easement.

Heiden said they can go down to 70,000 square feet but it would require another variance.

Fisk asked if there was a reason they couldn't go to 66' where they already have 60' on Lot 1. Humphrey said it would be really close to Eric and Heather's house and if you look at the site, the land drops off. They already have a recorded easement for this.

Fox asked if there is enough room for the well and septic. Humphrey said yes there was.

Riege asked what size the lot would be not including the easement. Humphrey said it would be under three acres.

Fisk questioned if they would be able to get Nebraska Department of Environmental Quality approval. Humphrey replied they would be able to get approval.

Humphrey said this is an undue hardship because they can't get any more land to get the additional six feet.

Fisk went over the points needed to grant this variance as far as undue hardship and the other findings they need to make.

Fisk also asked what the Roubicek's intention was. Humphrey said they want to subdivide their property into two parcels. They have land across the road to the north that is not being used currently.

Riege said Gary Roubicek could also subdivide his property.

Gary Roubicek said they don't intend to subdivide their property.

Humphrey said the intention is not to make the road public. It should be an easement maintained by the owners. The roads in the Raasch Subdivision are also private roads and are not maintained by the County.

Fisk reminded the Board three variances would be needed, one for the road width, one for the road length and the variance for Lot 1 having access to a road.

Gary Roubicek was present and told the Board he had purchased all of this property in 1980. The road was used by tractors and had been there a long time. People had bought this property in pieces and he had given them an easement to use the road.

Heiden asked if Gary Roubicek owns the road and he has given the other people permission to use this easement. Roubicek said that is correct.

Fisk said now with subdivision regulations, private easements are no longer an option.

Wilke asked what the Roubiceks want to do with the land. Eric Roubicek said they want to get rid of the north part and they don't want to maintain this property anymore because they don't use it. They use to have 4-H animals at this location but they don't anymore.

Humphrey stated when this road was put in, the County didn't have set standards but the City did have standards and it was 60' for the width of a road.

Heiden questioned what the hardship would be.

Humphrey thought this would be similar to the Kennedy hearing and the Rowe hearing previously approved by the Board of Adjustment. It would be the same hardship.

Heiden said if they couldn't put that road in because the land was too steep, that would be a hardship.

Fisk went over the explanation of hardships again.

Humphrey said one has to use common sense to make it happen. The Roubiceks can't maintain this land any more.

Fisk said Humphrey would need to go in front of the Planning & Zoning Commission and then to the County Commissioners to finish the process to review the subdivision process. If it is not in perfect compliance as far as Chapters 4, 5 & 6, then it would need to go in front of the Planning & Zoning Commission first before it goes to the County Commissioners.

Humphrey replied we didn't have to do this on the Kennedy project.

Chairperson Wilke closed the public hearing at 5:12 P.M.

The Board discussed the criteria for the hardship. Riege said our hands are tied.

Fox questioned if the hardship had been met.

Wilke said the width and length of the road and the access to Lot 1 is why they are asking for a variance.

Riege asked for clarification on the easement. Fisk replied the Roubiceks own the private easement and they do pay taxes on this easement.

It was moved by Riege seconded by Fox to reopen the hearing for more discussion from the applicants and Humphrey.

Heather Roubicek said there is a drainage area that goes through the land to the west of their property. The floodplain is shown on the overhead projector.

Gary Roubicek stated the road in the floodplain had been built to standards and there is a large culvert under the road to handle the water.

Fisk said that would require an engineer's certification to make sure this road is built in compliance with floodplain regulations.

Heather Roubicek said the road has been built up to requirements.

Fisk said they could continue this hearing if they need additional information to make their decision.

There was no one present in opposition.

Chairperson Wilke closed the public hearing at 5:35 P.M.

A motion was made by Riege, seconded by Heiden to grant the variance for road length, road width, and road access to Lot 1 on the following legal description for a tract of land being part of the North Half of the Southwest Quarter of Section One, Township Nine North, Range Sixteen West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00° 18' 40" E a distance of 400.3 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25° 40' 57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence South on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42° 40' 36" E a distance of 225.54 feet; thence N 65° 22' 41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25° 40' 57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65° 22' 41" W a distance of 132.00 feet; thence S 42° 40' 36" W a distance of 240.00 feet to the place of beginning. This Board finds that an undue hardship has been demonstrated because the following conditions exists: exceptional narrowness of lot, unusual shape of lot and exceptional topographic conditions of lot. Furthermore, we find the following:

1. That the applicant has demonstrated that a strict application of the regulations would produce an undue hardship in the form of width and length of the road, access to Lot 1,

that the requirement does not serve the need of the people, unduly limit of development and because of the floodplain.

2. That this hardship is not shared by other properties in the Agricultural-Residential zoning district and/or in the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent properties.
4. The character of the Agricultural-Residential district will not be changed by the granting of the variance.
5. We find that the granting of such variance is based upon reasons of demonstrable and exceptional hardship. Specifically, that the hardship has been demonstrated as inability to develop and that it is exceptional because of the road design and difficulty caused by the topographical conditions and the floodplain.
6. We find that this undue hardship is not merely a matter of convenience to the applicant.
7. We find that this undue hardship is not merely a matter of rendering the land or desired plans more economical, profitable, or valuable than it is or would be without the variance.
8. We find that the undue hardship is not for the purposes of caprice (whim, notion, impulse or fad).

Voting yes were Riege, Heiden, Fox, White and Wilke. Voting no: none. Absent: Ourada.
Motion carried.

LeAnn Klein
LeAnn Klein
Buffalo County Zoning Administrator

ATTEST

Janice I. Giffin
Janice I. Giffin
Buffalo County Clerk



**Application for
Preliminary Plat
&
Accompanying
Documentation**

Riverdale
1-9-16

APPLICATION FOR LAND DEVELOPMENT IN ACCORDANCE WITH BUFFALO
COUNTY SUBDIVISION REGULATIONS

Buffalo County Zoning Office
1512 Central Ave., PO Box 1270 Kearney, NE 68848
308-233-5640 www.buffalogov.org

Type of Plat Administrative Sub _____ Preliminary Plat X Final Plat _____
Vacation of Plat _____ Variance _____

The zoning administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Subdivision name: Roubicek Subdivision Date July 30, 2018

Owner's name: Eric C. D. Roubicek and Heather Roubicek, husband and wife

Owner's home address: P.O. Box 2143, 10455 N. 1st Avenue, Kearney, NE 68847

Telephone number(home): _____ (daytime) _____

Developer's name: Same as above

Developer's address: Same as above

Engineer's name and address: Buffalo Surveying Corp., Mitchell W. Humphrey, P.O. Box 905, Kearney NE 68848

List all people who own, have liens and other interest Eric C. D. Roubicek and Heather Roubicek, owners, and

Wells Fargo Bank, as Beneficiary under Deed of Trust

Present use of property: Rural Residential

Desired use of property: Rural Residential Present Zoning AGR

Legal Description of property: See attached sheet

Area of property(square feet and/or acres) 6.37 acres +/-

Number of lots or parcels: Two (2)

School District _____ Fire District _____

Please attach exhibits (plat, easements, water courses, surveyor's certificate with legal description, copy of covenants, DEQ permits, etc if applicable)

The above requested information is, to the best of my knowledge, true and accurate.

Signature of Owner: _____ Printed Name scanned 16352

Or agent: [Signature]

Preliminary Plat approval date: _____

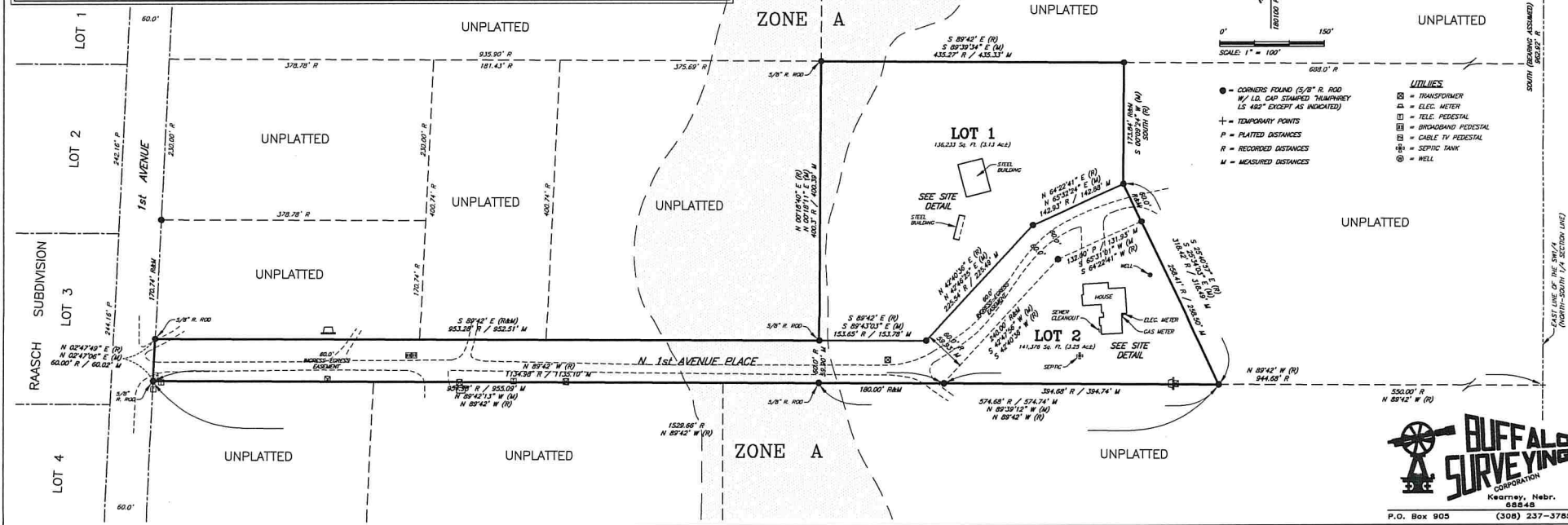
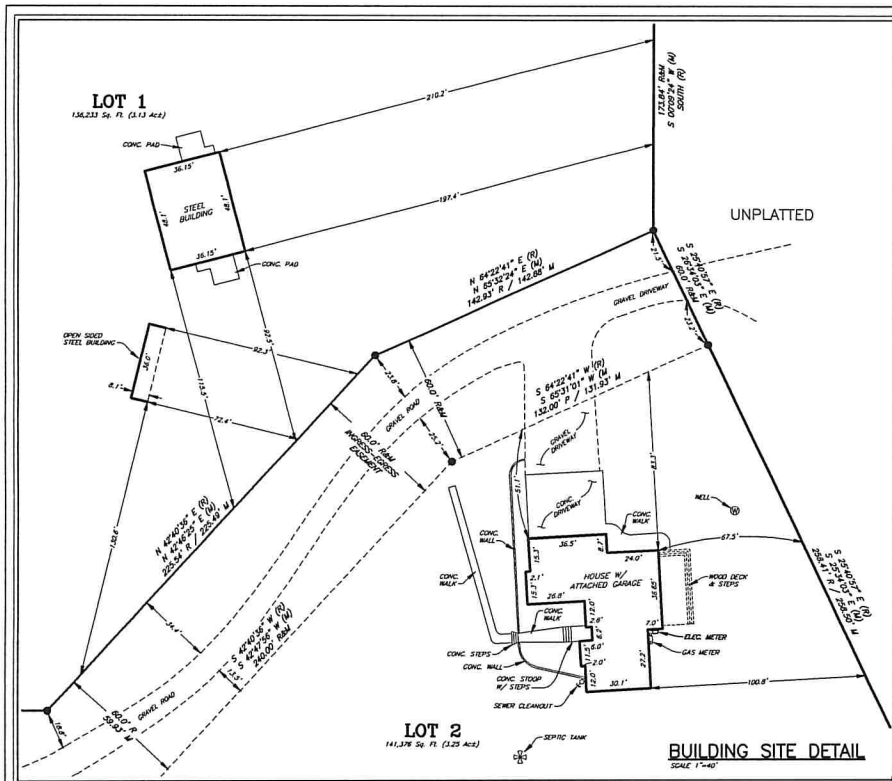
Action Taken:

P & Z Recommendation: X approved _____ disapproved

County Commissioners X approved _____ disapproved

Date: 8/16/18
Date: 9/11/18

Office Use Only	
Permit Number	<u>2018-057</u>
Filing Fee	<u>200.00</u> Receipt # <u>74643</u>
Zoning Classification	<u>AGR</u>
Floodplain	<u>Yes</u> or No <u>7/30/18</u> <u>SK</u>
8/09	<u>Nw part</u> Date Initial



PROPOSED **ROUBICEK SUBDIVISION** AN ADMINISTRATIVE SUBDIVISION BEING PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 NW1/4) OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 16 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA.

LEGAL DESCRIPTION

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42°40'36" E a distance of 225.54 feet; thence N 65°22'41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25°40'57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65°22'41" W a distance of 132.00 feet; thence S 42°40'36" W a distance of 240.00 feet to the place of beginning.

NOTE

Prepared by Buffalo Surveying Corporation, on this 30th day of June 2018 at the request of Eric C. D. Roubicek and Heather Roubicek, husband and wife, the being the owners, to reflect the Preliminary Plat as shown.

Address of Owner:
Eric C. D. Roubicek
Heather Roubicek
P.O. Box 2143
10455 N. 1st Avenue
Kearney, NE 68847

Zoning: The subject property is presently zoned Agricultural Residential and is to remain the same.

Acresage: 6.37 acres +/-

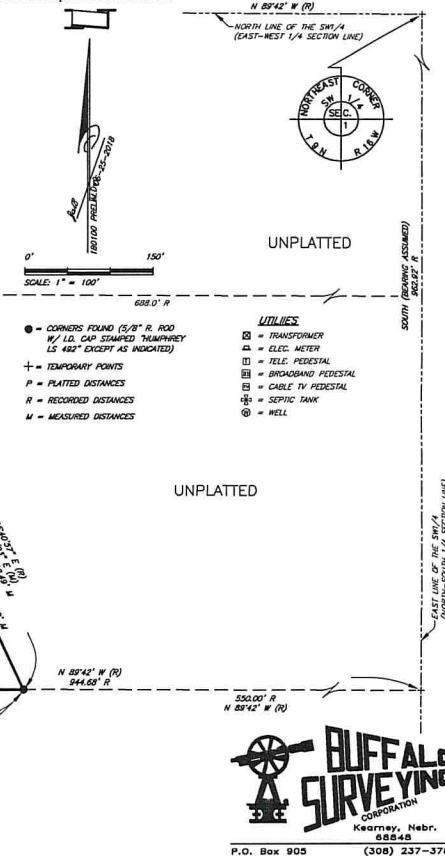
Storm Water Management: The storm water sheet flows from the site to the existing drainage ways with no significant additional drainage control required.

Road Profile and Grading: The proposed lots will be accessed via an existing driveway/road located within an existing ingress-egress easement filed of public record. No road profiles and grading plan is required.

Floodplain: A portion of the subject property is located within a designated floodplain. However the floodplain is not located in the area of the existing house located on Lot 2 or the portion of Lot 1 where the building site is located.

NOTE

The ingress-egress easement shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by the county. The property owner and successor thereto agrees not to request road maintenance from Buffalo County until such time as the ingress-egress easement is approved and dedicated to the public as a private street or public road and is brought to the then applicable Buffalo County Public Street Improvement Requirement standards.



RESOLUTION 2018-38

WHEREAS, on August 16, 2018, the Buffalo County Planning & Zoning Commission after public hearing gave a favorable recommendation to Roubicek, a proposed subdivision of land, together with various suggestions and recommendations all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and

WHEREAS, on September 11, 2018, this Board after public hearing considered approval of the preliminary plat for Roubicek and

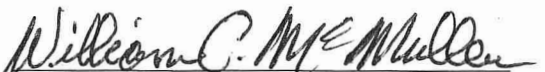
WHEREAS, the plan of development appears to be compliant with Buffalo County's Subdivision Resolution, with the following sections relaxed:

1. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66' (Section 4.03 Subdivision),
2. Relaxation of the width of street to be 66' (Section 4.03 Subdivision)
3. Relaxation of access from public street or road (Section 4.13 (Subdivision)
4. Set back of 50' from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution)

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that Buffalo County, on a preliminary basis, approves the proposed Roubicek Subdivision, a subdivision being part of A tract of land being part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section One (1), Township Nine (9) North, Range Sixteen (16), West of the Sixth Principal Meridian, Buffalo County, Nebraska,

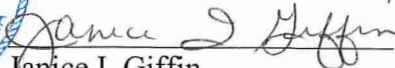
FURTHER RESOLVED that is not approval of a Final Plat and a copy of this Resolution is not to be filed against the foregoing real estate.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018


William McMullen, Chairman
Buffalo County Board of Commissioners

ATTEST:




Janice I. Giffin
Buffalo County Clerk

(SEAL)

Resolution

2021-43

RESOLUTION 2021-43

WHEREAS, on June 17, 2021, the Buffalo County Planning and Zoning Commission held a public hearing concerning amendments to requirements of accesses to Buffalo County Zoning Regulations, including revisions of and/or additions to the following sections: Section 3.3130, Section 3.3133, Section 3.3169, Section 3.3181, Section 5.12 (6), Section 5.16, Section 5.22 (2), Section 5.27, Section 5.32 (2), Section 5.36, Section 5.57, & Section 5.66. Additionally, as part of said public hearing, Buffalo County Subdivision Regulations were also reviewed regarding accesses in the following sections: Section 2.13, Section 2.23, Section 2.31, Section 2.34, Section 2.35, Section 4.02, Section 1.05, Section 1.06, and Section 4.12.

That Commission voted unanimously, after the following word change and minimum lot width recommendation, to recommend that this Board adopt the newly proposed amendments,

1. **“Sec. 1.05 MINIMUM ACCESS REQUIREMENTS** No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein ~~have access,~~ abuts before and after subdividing, ~~to a~~ dedicated and maintained public street(s) and/or road(s), or ~~private roads or ways~~ streets as private streets are allowed to be created in this Resolution.”
2. **Section 4.02 (E).** All lots shall have a minimum of ~~ten (10)~~ twenty-five (25) feet width along a street or road.
3. **5.16 (3) MINIMUM LOT REQUIREMENTS - AG AGRICULTURE (AG) DISTRICT**
Lots shall have a minimum of ~~ten (10)~~ twenty-five (25) feet lot width abutting any street or road.
4. **5.27 (3) MINIMUM LOT REQUIREMENTS - RC RURAL CONSERVATION (RC) DISTRICT**
Lots shall have a minimum of ~~ten (10)~~ twenty-five (25) feet lot width abutting any street or road.
5. **5.36 (3) MINIMUM AREA AND YARD REQUIREMENTS - AGR AGRICULTURAL – RESIDENTIAL (AGR) DISTRICT**
Lots shall have a minimum of ~~ten (10)~~ twenty-five (25) feet lot width abutting any street or road.

and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, on July 13, 2021, this Board conducted a public hearing concerning the proposed amendments to Buffalo County’s Zoning and Subdivision Regulations, no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, in regular session with a quorum present, that the following amendment is adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below:

“3.3130 LOT: A parcel of land occupied or intended for occupation by a use permitted in this resolution and ~~fronting upon~~ abutting a legally accessible a street or road.

3.3133 LOT FRONTAGE: The front of a lot shall be construed to be the portion ~~nearest~~ abutting the street(s) or road(s).

3.3169 STREET OR ROAD: A ~~thoroughfare~~, highway, street, avenue, road, or boulevard, not necessarily formally dedicated or acquired by the public, which affords principal means of access to or by abutting property. ~~with the~~ The terms street or road ~~being~~ are interchangeable.”

3.3181 YARD, FRONT: A yard extending from ~~the front lot line~~ an adjoining public or private street(s) to the closest edge of the front of the building as determined and measured from the street to the building. A lot that abuts two or more streets or roads shall be considered to have 2 or more front yards for any yard that adjoins a public street.

Section 2.13 DOUBLE FRONTAGE LOT:

“Double frontage lot means a lot that ~~has a frontage on~~ abuts 2 or more nonintersecting streets or roads.”

Section 2.23 LOT Lot means:

(a) A portion of real property containing at least the area required at the time it was created by the zoning district in which it is or was located for use, coverage, and yard space, exclusive of existing, laid out, proposed, or reserved streets, public ways, or roads, abutting at least one public street, road, or private ~~roadway~~, street as a private street is allowed to be created in this resolution or

(b) a parcel of real property with a separate and distinct number or other designation shown on a final plat approved by the Buffalo County Board recorded in the office of the Register of Deeds for Buffalo County, Nebraska.

Section 2.31, PRIVATE ROADWAY, WAY, EASEMENT, OR STREET:

“Non-publicly accessed path, driveway, acquired and used for private purposes, which affords a means of access through nonpublic property to another parcel or parcels of property.”

Section 2.34 ROAD:

A ~~publicly accessed thoroughfare~~, highway, road, avenue, or boulevard, not necessarily formally dedicated or acquired by the public, but accessed by the public, which affords principal means of access to or by abutting property.

Section 2.35 STREET:

A ~~publicly accessed thoroughfare~~, highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private

street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street.”

DESIGN STANDARDS:

Sec. 4.02 RELATION TO ADJOINING HIGHWAY, ROAD OR STREET SYSTEM

A. Arrangement of Streets The arrangement of streets and roads in a new subdivision shall make provision for the continuation of the existing highways, roads, or streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street, road, and alley arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

B. Offsetting Streets to be avoided Offset streets and roads should be avoided.

C. Angle(s) of Intersections The angle of intersection between streets should not vary more than 10 degrees (10) from a right angle.

D. Stopping sight distance considerations Proposed street intersections shall be located on existing streets and roads to provide stopping sight distance for 50 mph traffic on the existing street or road. Stopping sight distance shall be as described in the current AASHTO Standards at the time the subdivision is being proposed.

E. All lots shall have a minimum of twenty-five (25) feet width along a street or road.

AG AGRICULTURE DISTRICT:

5.12 PERMITTED PRINCIPAL USES AND STRUCTURES...

(6). Single family, ranch, and farm dwellings on a parcel abutting on an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4 not of the same property;

5.16 MINIMUM LOT REQUIREMENTS

1. The minimum lot area for AG uses shall be three (3) acres. By special permit, this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. (Resolution 8-10-04) All improved uses, other than general farming, ranging, pasturing, etc., shall be ~~adjacent to~~ on a parcel abutting an improved county road (above minimum maintenance road).

2. Single Family Dwelling, Lot Size:

- (A) 3 acres, with the placement of a maximum of four single family dwellings per U.S. Government surveyed quarter section, on a parcel abutting adjacent to an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and four single family

dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance.

RC RURAL CONSERVATION DISTRICT:

5.22 PERMITTED PRINCIPAL USES AND STRUCTURES...

(2). Single family, ranch, and farm dwellings on a parcel abutting ~~on~~ an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4 not of the same property.

5.27 MINIMUM AREA REQUIREMENTS:

1. The minimum lot area for RC uses shall be eighty (80) acres. By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting ~~adjacent to~~ an improved county road (above minimum maintenance road).

2. Single Family Dwelling, Lot Size: (A) 3 acres, with the placement of a maximum of One (1) single family dwellings per U.S. Government surveyed quarter section, on a parcel abutting ~~adjacent to~~ an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and one single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance.

AGRICULTURAL – RESIDENTIAL (AGR) DISTRICT:

5.32 PERMITTED PRINCIPAL USES AND STRUCTURES...

(2). Single family, ranch, and farm dwellings on a parcel abutting ~~adjacent to~~ improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from a livestock confinement facilities.

5.36 MINIMUM AREA AND YARD REQUIREMENTS:

1. The minimum lot area for AGR uses shall be 3 acres*. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting adjacent to an improved county road (above minimum maintenance road).

Sec. 1.05 MINIMUM ACCESS REQUIREMENTS No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein ~~have access, abuts~~ before and after subdividing, ~~to a~~ dedicated and maintained public street(s) and/or road(s), or private roads or ways streets as private streets are allowed to be created in this Resolution.

Sec. 1.06 EXEMPTED INSTANCES These regulations shall not apply to the following:

A. More than Ten Acres To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land ~~has access by abuts~~ dedicated and maintained public road or street or private road(s) streets as private streets are allowed to be created as provided with this resolution.

Section 4.12 ACCESS REQUIREMENTS Access to and within a subdivision can be accomplished by use of private and public ~~ways, streets, and/or roads.~~ Public streets are permitted in any type of subdivision and are strongly encouraged.

A. Public Street Access. Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.

B. Private Street Minimum Width and Operative as Grant of Easement(s) Utility Access and Occupation Private Streets, ~~when created under this Resolution, may be permitted when the private street clearly provides~~ shall have a minimum street width of ~~rights-of-way~~ sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by ~~provides easements for public utilities and provide rights of access to public utilities without further approval or conveyance.~~

C. Private Street Disclosure Any plat containing private streets shall disclose the following on its plat: "One or more of the access easements shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by Buffalo County. The property owner and successor thereto agrees to not request road maintenance from Buffalo County until such time as the private streets are brought to the then applicable Buffalo County's Subdivision Public Street Minimum Improvement Requirement standards".

D. Private streets grant access to public safety. Private streets shall not be blocked to ingress and egress of government, emergency, or public service company vehicles.

E. Private Street Maintenance Private street maintenance shall be the sole responsibility of adjacent property owners and not the responsibility of Buffalo County.

AG AGRICULTURE (AG) DISTRICT:

5.16 MINIMUM LOT REQUIREMENTS

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

RC RURAL CONSERVATION (RC) DISTRICT:

5.27 MINIMUM LOT REQUIREMENTS

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

AGR AGRICULTURAL – RESIDENTIAL (AGR) DISTRICT:

5.36 MINIMUM AREA AND YARD REQUIREMENTS

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

C COMMERCIAL (C) DISTRICT:

5.57 HEIGHT AND AREAS REGULATIONS

1. General Requirements:

	Lot Area*** (Sq.' Ft.)	Lot Width*	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	40,000	100'	Greater of 50'* or 83'***	15'	15'	None

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by the Department of Environmental Quality or other agencies with 3 acres being exempt at the time of adoption of these regulations (Resolution 10-10-03)

I INDUSTRIAL (I) DISTRICT:

5.66 HEIGHT AND AREA REGULATIONS:

1. General Requirements

	Lot Area*** (Sq.' Ft.)	Lot Width*	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	None	100'	Greater of 50'* or 83'**	15'	15'	None


* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

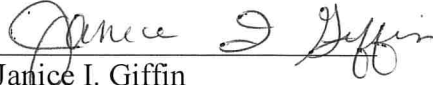
*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by the Department of Environmental Quality or other agencies with 3 acres being exempt at the time of adoption of these regulations (Resolution 10-10-03)

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:


William McMullen, Chairperson
Buffalo County Board of Commissioners




Janice I. Giffin
Buffalo County Clerk

Final Plat Application & Accompanying Documentation

1-9-16
Riverdale

APPLICATION FOR LAND DEVELOPMENT IN ACCORDANCE WITH BUFFALO
COUNTY SUBDIVISION REGULATIONS

Buffalo County Zoning Office
1512 Central Ave., PO Box 1270 Kearney, NE 68848
308-236-1998 www.buffalogov.org

Type of Plat Administrative Sub _____ Preliminary Plat _____ Final Plat XX
Vacation of Plat _____ Variance _____

The zoning administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Subdivision name: Roubicek Subdivision Date 09-09-2023

Owner's name: Eric C. D. Roubicek and Heather Roubicek, husband and wife

Owner's home address: 10455 N. 1st Avenue Place, Kearney, NE 68847

Telephone number(home): _____ (daytime) 308-708-3900

Developer's name: Same as above

Developer's address: Same as above

Buffalo Surveying Corp., Mitchell W. Humphrey
Engineer's name and address: 5308 Parklane Dr., Ste 3, P.O. Box 905, Kearney, NE 68848-0905
Phone: 308-237-3785

List all people who own, have liens and other interest N/A

Present use of property: Rural residential

Desired use of property: Rural Residential Present Zoning AGR

Legal Description of property: See attached sheet

Area of property(square feet and/or acres) 6.37 A+/-

Number of lots or parcels: Two (2), with each being in excess of 3 acres.

School District _____ Fire District _____

Please attach exhibits (plat, easements, water courses, surveyor's certificate with legal description, copy of covenants, DEQ permits, etc if applicable)

The above requested information is, to the best of my knowledge, true and accurate.

Signature of Owner:  Printed Name Eric C. D. Roubicek

And agent: Mitchell W. Humphrey, Nebr. Reg. L/S. 492

Preliminary Plat approval date: _____

Action Taken:

P & Z Recommendation: _____ approved _____ disapproved Date: _____

County Commissioners: _____ approved _____ disapproved Date: _____

Office Use Only	
Permit Number	<u>2023-063</u>
Filing Fee	<u>220.</u> Receipt # <u>974926</u>
Zoning Classification	<u>AGR</u>
Floodplain Yes or No	<u>9/20/2023 dmd</u>
8/09	Date Initial

Legal Desc: Roubicek Subdivision, Pt N1/2 SW1/4 of Sect. 1, T 9 N, R 16 W of the 6th P.M., Buffalo County, NE
Client: Eric Roubicek
Prepared By: Mitch Humphrey
Date: September 11, 2023
BSC Project No.: 180100

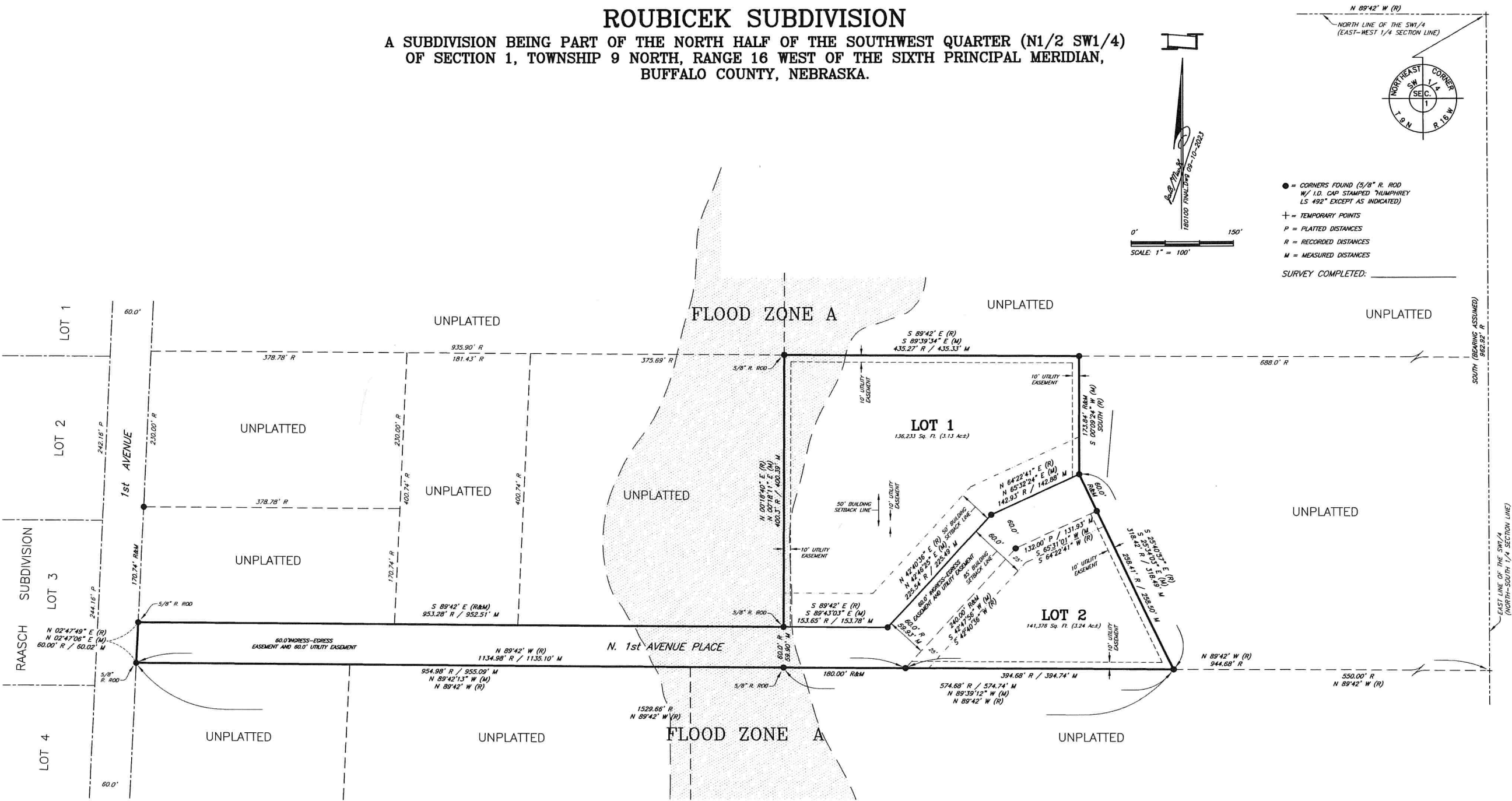
ATTACHMENT TO THE APPLICATION FOR A SUBDIVISION (ROUBICEK SUBDIVISION)

LEGAL DESCRIPTION

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42°40'36" E a distance of 225.54 feet; thence N 65°22'41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25°40'57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65°22'41" W a distance of 132.00 feet; thence S 42°40'36" W a distance of 240.00 feet to the place of beginning.

ROUBICEK SUBDIVISION

A SUBDIVISION BEING PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4)
OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 16 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
BUFFALO COUNTY, NEBRASKA.



SURVEYOR'S CERTIFICATE

I, Mitchell W. Humphrey, President of Buffalo Surveying Corporation, do hereby certify that, Buffalo Surveying Corporation surveyed Roubicek Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, as shown on the above plat, Mark W. Humphrey, Party Chief, that the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, lot bears their own number, and that survey was made with reference to known and recorded monuments.

(S E A L)

BUFFALO SURVEYING CORPORATION

Mitchell W. Humphrey, President
Nebr. Registered Land Surveyor No. 492

Address of Owner:
Eric C. D. Roubicek
Heather Roubicek
P.O. Box 2143
10455 N. 1st Avenue Pl.
Kearney, NE 68847

ROUBICEK SUBDIVISION
A SUBDIVISION BEING PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2
NW1/4) OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 16 WEST OF THE SIXTH PRINCIPAL
MERIDIAN, BUFFALO COUNTY, NEBRASKA.

LEGAL DESCRIPTION

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49"E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42°40'36" E a distance of 225.54 feet; thence N 65°22'41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25°40'57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65°22'41" W a distance of 132.00 feet; thence S 42°40'36" W a distance of 240.00 feet to the place of beginning.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that Eric C. D. Roubicek and Heather Roubicek, husband and wife, being the sole owners of the land described hereon, have caused the same to be surveyed, subdivided and platted and designated as Roubicek Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said owner, hereby ratify and approve the disposition of their property as shown on the above plat, and hereby dedicate to the use and benefit of the public the ingress-egress easement, and utility easements as shown on said plat, and acknowledge said addition to be made with the free consent and in accord with the desires of said owners.

Dated this ____ day of _____, 2023.

Eric C. D. Roubicek,
husband of Heather Roubicek

Heather Roubicek,
wife of Eric C. D. Roubicek

STATE OF NEBRASKA)
) ss:
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Eric C.D. Roubicek, husband of Heather Roubicek.

(S E A L)

Notary Public

My commission expires _____.

STATE OF NEBRASKA)
) ss:
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Heather Roubicek, wife of Eric C. D. Roubicek.

(S E A L)

Notary Public

My commission expires _____.

Address of Owner:
Eric C. D. Roubicek
Heather Roubicek
P.O. Box 2143
10455 N. 1st Avenue Pl
Kearney, NE 68847

COUNTY TREASURER'S CERTIFICATE

This is to certify that I find no regular or special taxes due on the property described within the surveyor's certificate and described within this plat, as shown on the records of this office as of this ____ day of _____, 2023.

(SEAL)

Brenda R. Rohrich, Treasurer
for Buffalo County, Nebraska

RESOLUTION NO.

BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS OF BUFFALO COUNTY, NEBRASKA, in regular session with quorum present, that the plat of Roubicek Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified is hereby approved, accepted, ratified and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by: ____
(Print Name)

Seconded by: ____
(Print Name)

that the foregoing resolution be adopted. Said Motion carried on ____ vote(s).

STATE OF NEBRASKA)
) ss:
COUNTY OF BUFFALO)

I, Heather A. Christensen, County Clerk in and for Buffalo County, Nebraska, being duly qualified, do hereby certify that the above is a true and correct copy of the resolution as passed by the Buffalo County Board of Commissioners on the ____ day of _____, 2023.

(SEAL)

Heather A. Christensen, County Clerk





NEBRASKA TITLE COMPANY

SERVICE BEYOND EXPECTATION

LIMITED TITLE REPORT

FILE NO: NTK0010270

**TO: Buffalo Surveying Corporation
Mitchell Humphrey**

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of Buffalo County, Nebraska have been carefully examined with reference to the following described property, and from such examination finds as follows:

LEGAL DESCRIPTION:

A tract of land being part of the North Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00° 18' 40" E a distance of 400.3 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25° 40' 57" E a distance of 318.42 feet to the place of beginning. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows; Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42° 40' 36" E a distance of 225.54 feet; thence N 65° 22' 41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25° 40' 57" E and on the Easterly line of the aforescribed tract of land a distance of 60.00 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65° 22' 41" W a distance of 132.00 feet; thence S 42° 40' 36" W a distance of 240.00 feet to the place of beginning.

Address: 10455 North 1st Avenue Place, Kearney, NE 68847

GRANTEE IN LAST DEED OF RECORD:

Eric C. D. Roubicek and Heather Roubicek, as joint tenants and not as tenants in

[common](#)

UNRELEASED LIENS OF RECORD:

- a. Deed of Trust executed by Eric C. D. Roubicek and Heather D. Roubicek, husband and wife, Trustor to Farmers and Merchants Bank, Trustee for MERS (Mortgage Electronic Registration Systems, Inc.), MIN # 100815200007073991, acting solely as a nominee for Lender (Farmers and Merchants Bank), Beneficiary, in the stated amount of \$159,000.00, dated January 6, 2011, recorded January 11, 2011, as [Inst. No. 2011-319](#).

JUDGMENTS OR TRANSCRIPTS OF JUDGMENTS:

None of Record

TAXES/ASSESSMENTS:

2021 and all prior years - paid in full
2022 in the amount of \$6,075.56 - First Half Paid
Second Half Taxes due September 1, 2023.
Parcel ID No.: [560006029](#)
Assessed Value: \$370,650.00

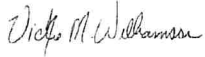
- a. Special assessments not yet certified to the Office of the County Treasurer. (Note: No special assessments are shown in the Office of the County Treasurer at date hereof.)

EASEMENTS AND RESTRICTIONS OF RECORD:

- a. Oil and Gas Lease recorded July 21, _____ in [Book 27, Page 521](#).
- b. Gas Utility Easement recorded December 12, 1994 on [Roll 94, Page 18247](#).
- c. Declaration of Protective Covenants recorded April 19, 1996 as [Inst. 96-2497](#).
- d. Easement recorded March 20, 1997 as [Inst. 97-1650](#).
- e. Amendment of Declaration of Protective Covenants recorded April 16, 1998 as [Inst. 98-2551](#).
- f. Easement recorded July 23, 1999 as [Inst. 1999-6005](#).
- g. Modification of Easement Agreement recorded August 24, 1999 as [Inst. 1999-6864](#).
- h. Second Amendment of Declaration of Protective Covenants recorded August 28, 2000 as [Inst. 2000-5893](#).
- i. General Conveyance, Assignment, and Bill of Sale recorded April 16, 2007 as [Inst. 2007-2577](#).
- j. Ingress-Egress Right-of-Way Easement Agreement recorded November 15, 2017 as [Inst. No. 2017-06864](#).
- k. Board of Adjustment Minutes Certificate recorded July 18, 2019 as [Inst. No. 2018-03982](#).

Effective Date: June 15, 2023 at 8:00 am

Nebraska Title Company

By 
Registered Abstractor

Please direct inquiries to: Ariel Suhler

NOTE: THIS IS AN INFORMATIONAL TITLE REPORT

This report is not a guarantee or warranty of title, nor is it an abstract of title, nor is this a commitment to provide, nor does it provide title insurance. Liability hereunder is expressly limited to the sum of \$1,000.00.

2023-03253

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 08/02/2023 01:22:30 PM
SUB TRUSTEE & RECONV
REC FEE: 16.00
PAGES: 2
PD: 16.00
ESCROW:
CK: ACH SIMPLIFILE
REC'D:SIMPLIFILE
SUB:NATIONWIDE TITLE CLEARING LLC

SUBSTITUTION OF TRUSTEE AND DEED OF RECONVEYANCE

When Recorded Return To: Wells Fargo Home Mortgage, C/O Nationwide Title Clearing, LLC 2100 Alt. 19 North, Palm Harbor, FL 34683
Loan Number 0375777091

Whereas, ERIC C D ROUBICEK AND HEATHER D ROUBICEK executed a Deed of Trust dated 01/06/2011, in favor of FARMERS AND MERCHANTS BANK as Trustee, and said Deed of Trust was given to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR FARMERS AND MERCHANTS BANK, ITS SUCCESSORS AND ASSIGNS as Beneficiary, and said Deed of Trust was recorded 01/11/2011 as Instrument # 2011-319 of Official Records of BUFFALO County, State of Nebraska;

SEE ATTACHED EXHIBIT A

And whereas, the undersigned Beneficiary desires to substitute a new Trustee as Trustee instead of the said original Trustee. Therefore, the undersigned, as present Beneficiary, hereby substitutes WELLS FARGO BANK, N.A. as Trustee under said Deed of Trust.

Dated this 02nd day of August in the year 2023

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS BENEFICIARY, AS NOMINEE FOR FARMERS AND MERCHANTS BANK, ITS SUCCESSORS AND ASSIGNS

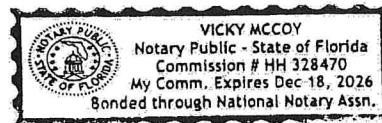
Alan Baker

ALAN BAKER
VICE PRESIDENT

STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization on this 02nd day of August in the year 2023, by Alan Baker as VICE PRESIDENT of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS BENEFICIARY, AS NOMINEE FOR FARMERS AND MERCHANTS BANK, ITS SUCCESSORS AND ASSIGNS, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

Vicky McCoy
VICKY MCCOY
COMM EXPIRES: 12/18/2026



WELLS FARGO BANK, N.A., the undersigned, as Trustee, does hereby grant, remise, release and reconvey to the person or persons legally entitled thereto, all the estate and interest derived to it by or through the Deed of Trust described in the premise above, together with the appurtenances.

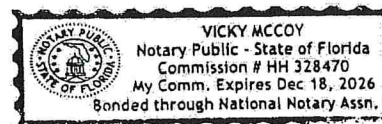
Dated this 02nd day of August in the year 2023
WELLS FARGO BANK, N.A.

Susan Hicks
SUSAN HICKS
VICE PRESIDENT LOAN DOCUMENTATION

STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization on this 02nd day of August in the year 2023, by Susan Hicks as VICE PRESIDENT LOAN DOCUMENTATION of WELLS FARGO BANK, N.A., who, as such VICE PRESIDENT LOAN DOCUMENTATION being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

Vicky McCoy
VICKY MCCOY
COMM EXPIRES: 12/18/2026



WFHRC 438520586 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) (R) MIN 100815200007073991 MERS
PHONE 1-888-679-6377 MERS Mailing Address: P.O. Box 2026, Flint, MI 48501-2026 DOCR T022308-01:25:43 [C-2] ERCNNE1



D0101841307

Exhibit A

PROPERTY OF BUFFALO COUNTY, NE

A tract of land being part of the North Half of the Southwest Quarter (N1/2SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of Section 1 and assuming the East line of said Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00°18'40" E a distance of 400.3 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence South a distance of 173.84 feet; thence S 25°40'57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence South on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89°42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1034.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West 1/2 of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89°42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42°40'36" E a distance of 225.54 feet; thence N 65°22'41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25°40'57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65°22'41" W a distance of 132.00 feet; thence S 42°40'36" W a distance of 240.00 feet to the place of beginning.

1134,98
NR

N-341

Certification of Board of Adjustment Meeting Minutes

December 14, 2023



Return to:Buffalo County Zoning
PO Box 1270
Kearney, NE 68848

Board of Adjustment Minutes

CERTIFICATE

STATE OF NEBRASKA
COUNTY OF BUFFALO COUNTY

I, Dennise Daniels, Zoning Administrator of Buffalo County, Nebraska, hereby certify that the variance listed below is a true and correct portion of the minutes of the Board of Adjustment for Buffalo County for the meeting held on the 14th day of December, 2023. This should be indexed against property owned by Eric C.D. Roubicek and Heather Roubicek, as found in Inst. 2011-1256.

Chairperson Pemberton-Riege opened the public hearing at 4:02 P.M., at the Buffalo County Courthouse on December 14, 2023, as submitted by Mitchell Humphrey, on behalf of Eric C.D. and Heather Roubicek for a tract of land being part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00° 18' 40" E a distance of 400.3 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25° 40' 57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence South on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42° 40' 36" E a distance of 225.54 feet; thence N 65° 22' 41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25° 40' 57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65° 22' 41" W a distance of 132.00 feet; thence S 42° 40' 36" W a distance of 240.00 feet to the place of beginning.

After roll call, those present were: Barb Pemberton-Riege, Richard Pierce, Rodney Gangwish,

and Randy Vest. Also present were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels and members of the public.

Larry Hardesty and Rich White were absent.

Quorum is met.

Chairperson Pemberton-Riege announced we do abide by the Open Meeting Act and are available for anyone wanting a copy.

Chairperson Pemberton-Riege reviewed the agenda and let the members of the public know that an agenda is available for anyone wanting a copy. Chairperson Pemberton-Riege asked if any changes needed to occur or if there were any questions. No one spoke.

Chairperson Pemberton-Riege opened the public hearing at 4:02 P.M. for a Variance of Buffalo County Zoning Regulations, Section 5.32 (2) and a Variance of Buffalo County Subdivision Regulations, Section 1.05, Section 2.35, and Section 4.02 (E).

Eric C. D. Roubicek and Heather Roubicek, are requesting a variances under Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road, Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street, Section 2.35, defining a street, and Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road, situated in the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Mr. Mitch Humphrey, of 5308 Parklane Drive, Kearney, Nebraska, stepped forward to present the application, along with Eric C. D. Roubicek and Heather Roubicek, both of 10455 North 1st Avenue Place, Kearney, Nebraska. He stated that Mr. and Mrs. Roubicek are requesting a deviation from the regulations. He explained that Mr. Lyle Raasch owned a large tract of land, on and around Raasch's Subdivision and had subdivided several tracts throughout his period of ownership. Further, Mr. Humphrey added, a large variety of these subdivided tracts occurred prior to the adoption of zoning and subdivision regulations.

Mr. Humphrey reviewed the tract of land that is being proposed for subdivision. He explained that Mr. Gary Roubicek constructed his residence to the far east of the subject parcel and Eric and Heather acquired the piece to the west of Gary Roubicek's property and have, since, constructed a residence of their own. These particular tracts, he added, are accessed by a sixty-foot-wide easement which was created around 1993.

Mr. Humphrey continued, explaining this particular tract had received additional deviations and variances, which were reviewed, from the Board of Adjustment in 2018. Subsequently, he added, the preliminary plat was, shortly thereafter, approved by The Buffalo County Planning Commission and The Buffalo County Board of Commissioners.

For a myriad of reasons, he explained, the final subdivision was not submitted immediately. In 2023, however, he added, the final plat was rejected, as presented, because The Buffalo County Board of Commissioners passed several new zoning and subdivision regulations that directly affected the proposed subdivision. In 2021, he continued, The Buffalo County Board passed regulations that stated each lot had to have twenty-five feet of frontage on a public road. Mr. Humphrey explained this regulation caused issues for the subdivision because the two lots that were proposed for subdivision were just over three acres. If the twenty-five feet abutment were required, he added, then the southern lot would be substandard and under three acres.

Mr. Humphrey, then, reviewed the access requirements that were, also, listed as part of the rejected final plat. He explained the applicant wished to move forward with the subdivision that was presented in 2018 and to request additional deviations from the additional twenty-five foot

road abutment to avoid a substandard lot of less than three acres. He stated he wished to keep the three-acre minimum lot size requirement and move forward with the subdivision that had already received approval of deviations from 2018; furthermore, it had received an approval of preliminary plat from The Planning Commission and The Board of Commissioners.

Mr. Humphrey added that this particular area was unusual and accessed by, primarily, easements. Further, he explained, there was, recently, a third amendment to the protective covenants indicating that the neighbors approved the proposed subdivision of land.

Deputy County Attorney Hoffmeister asked for clarification on the size of Lot 2. He asked if the acreage size of 3.24 acres included the access easement and Mr. Humphrey confirmed. Deputy County Attorney Hoffmeister asked if North First Avenue Place was a street and Mr. Humphrey stated it was not and added that North First Avenue north and south is a dedicated street, but North First Avenue Place is not.

Deputy County Attorney Hoffmeister asked if it was the intent for the owners of Lot 1 and the eastern-most lot to allow access over Lot 2 and Mr. Humphrey confirmed and explained that the access predates zoning. Discussion occurred regarding the ownerships of land abutting the easement access.

Mr. Humphrey described Mr. and Mrs. Roubicek's intent to subdivide Lot 1 and Lot 2 and build a new house on Lot 1. Discussion occurred regarding the other subdivision inquiries and projects in this area. Deputy County Attorney advised that since this area was subdivided prior to zoning regulations and The Buffalo County Board of Adjustment needed to consider the allowance of some relaxation to ensure denser housing and avoid a hardship of making the lot entirely unusable. He counselled that if the adjoining property owners had issues with the proposal, then they would be present to object. Since no one was present, he added, it can be considered the neighbors do not object to the proposed project.

Mr. Eric Roubicek spoke and explained that he maintains the north-south road and the access. He said that he never asks for repayment of the maintenance.

Deputy County Attorney Hoffmeister inquired when Mr. and Mrs. Roubicek's house was constructed and Mrs. Roubicek answered, it was constructed in 2003.

Mr. Gangwish asked if the easement were to become a public road, would it be required to be sixty-six feet wide and Deputy County Attorney Hoffmeister confirmed.

Discussion occurred regarding easement laws in different jurisdictions and the reasons Buffalo County does not allow easement accesses.

Deputy County Attorney Hoffmeister reviewed the proposed deviations and how they are not impactful for the other lots in this area. Easement concerns were discussed, further.

To move forward, Deputy County Attorney Hoffmeister counselled that the applicant will need to resubmit the preliminary plat, assuming the deviations are approved and set forth by The Board of Adjustment, to The Planning Commission and The Board of Commissioners and, then, file a final plat to The Board of Commissioners.

Chairperson Pemberton-Riege asked if anyone wished to speak. Mr. Gangwish requested clarification of all the variations of the proposed project and Mr. Humphrey explained that, in order to have two conforming lots, they would need some deviations from road abutment requirements and access regulations.

Chairperson Pemberton-Riege commented that at the 2018 meeting, the future development of this area was discussed, but not at length.

Zoning Administrator Daniels requested confirmation on the approved deviation from the setback requirements and Mr. Humphrey explained that it was referenced on Resolution 2018-38. Zoning Administrator Daniels thanked Mr. Humphrey for the confirmation.

Chairperson Pemberton-Riege asked if anyone wished to speak. No one spoke.

Chairperson Pemberton-Riege closed the public hearing at 4:51 P.M.

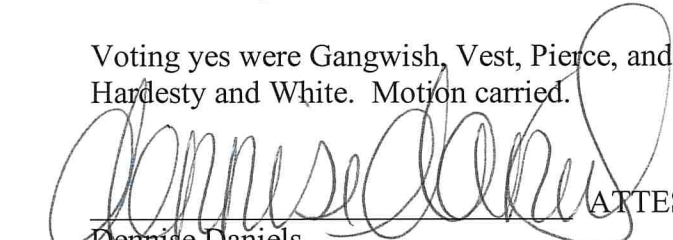
1. This board found that the strict application would cause undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of such variance will not be of substantial detriment to the adjacent property and the character of the district will not be changed by the granting of the variance;
4. The granting of the variance is not based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

A motion was made by Vice-Chairperson Pierce, seconded by Mr. Gangwish, to approve the request for the variance under Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road, Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street, Section 2.35, defining a street, and Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a road, situated on a tract of land being part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1 and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 550.00 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1529.66 feet to a point that intersects on the East right-of-way line of a public road in Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 953.28 feet; thence N 00° 18' 40" E a distance of 400.3 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 435.27 feet; thence SOUTH a distance of 173.84 feet; thence S 25° 40' 57" E a distance of 318.42 feet to the place of beginning. Containing 6.37 acres, more or less. SUBJECT TO HOWEVER, rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast Corner of the Southwest Quarter of said Section 1; thence South on the East line of said Southwest Quarter a distance of 962.92 feet; thence N 89° 42' W a distance of 944.68 feet to the actual place of beginning; thence continuing N 89° 42' W and parallel with the North line of said Southwest Quarter a distance of 1134.98 feet to a point that intersects on the East right-of-way line of a public road and Raasch Subdivision, a subdivision being part of the West ½ of the Southwest ¼ of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 02° 47' 49" E and on the aforesaid East right-of-way line a distance of 60.0 feet; thence S 89° 42' E and parallel with the North line of said Southwest Quarter a distance of 1106.93 feet; thence N 42° 40' 36" E a distance of 225.54 feet; thence N 65° 22' 41" E a distance of 142.93 feet to a point on the East line of the aforescribed tract of land; thence S 25° 40' 57" E and on the Easterly line of the aforescribed tract of land a distance of 60.0 feet; thence leaving the Easterly line of the aforescribed tract of land, S 65° 22' 41" W a distance of 132.00 feet; thence S 42° 40' 36" W a distance of 240.00 feet to the place of beginning.

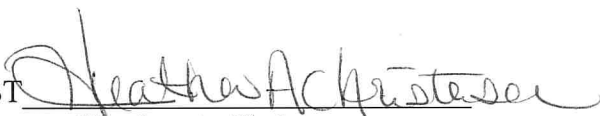
This Board finds that an undue hardship has been demonstrated because the following conditions exists: exceptional narrowness of lot, unusual shape of lot and exceptional topographic conditions of lot. Furthermore, we find the following:

1. That the applicant has demonstrated that a strict application of the regulations would produce an undue hardship in the inability to construct a residence, in the Agricultural – Residential Zoning District, which is utilized for denser housing.
2. That this hardship is not shared by other properties in the Agricultural-Residential zoning district and/or in the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent properties. Adding one residence along the sixty-foot-wide easement will not create an additional impact on the noncompliant road. Furthermore, this board finds that it is of concern that the unusable lot will cause significant deterioration to the neighboring properties as the lot cannot be used for the construction of a residence, in the spirit of the Agricultural District, under the existing regulations.
4. The character of the Agricultural-Residential district will not be changed by the granting of the variance.
5. We find that the granting of such variance is based upon reasons of demonstrable and exceptional hardship, due to the inability of the owners to add an additional house along a noncompliant access, which, in turn, avoids the concern for significant deterioration for neighboring properties.
6. We find that this undue hardship is not merely a matter of convenience to the applicant.
7. We find that this undue hardship is not merely a matter of rendering the land or desired plans more economical, profitable, or valuable than it is or would be without the variance.
8. We find that the undue hardship is not for the purposes of caprice (whim, notion, impulse or fad).

Voting yes were Gangwish, Vest, Pierce, and Pemberton-Riege. Voting no: none. Absent: Hardesty and White. Motion carried.


Dennise Daniels
Buffalo County Zoning Administrator

ATTEST


Heather A. Christensen
Buffalo County Clerk



Letter of Opposition

Received February 16, 2024

received
2/16/2024

Dear Denise,

I am writing you in regards to a letter I received in the mail about the Roubicek subdivision hearing on Thursday February fifteenth. I have a few areas of concern I would like your office to be aware of.

I am concerned about the added vehicle traffic another occupied residence would add on First Avenue North. As I am sure you know, this road is a single track, non-maintained private road. This quarter of a mile long road that has very few pullouts to let vehicles by. When meeting a vehicle you must either reverse several hundred feet or wait for the oncoming driver to do the same. My biggest concern would be getting emergency services to another residence in the event of an emergency due to the added traffic.

Additionally, I am concerned that splitting the existing lot will reduce property values in the area. With most of the lots on this area of the subdivision being between five and twenty acres I fear that having smaller "non-conventional" lots will lower values.

Unfortunately, I am not able to attend the hearing this upcoming Thursday. However, I feel I must advise your office of my concerns with this application. I appreciate your time reading this letter as I am sure you are very busy.

Sincerely,
Concerned Citizen

OMAHA NE 680

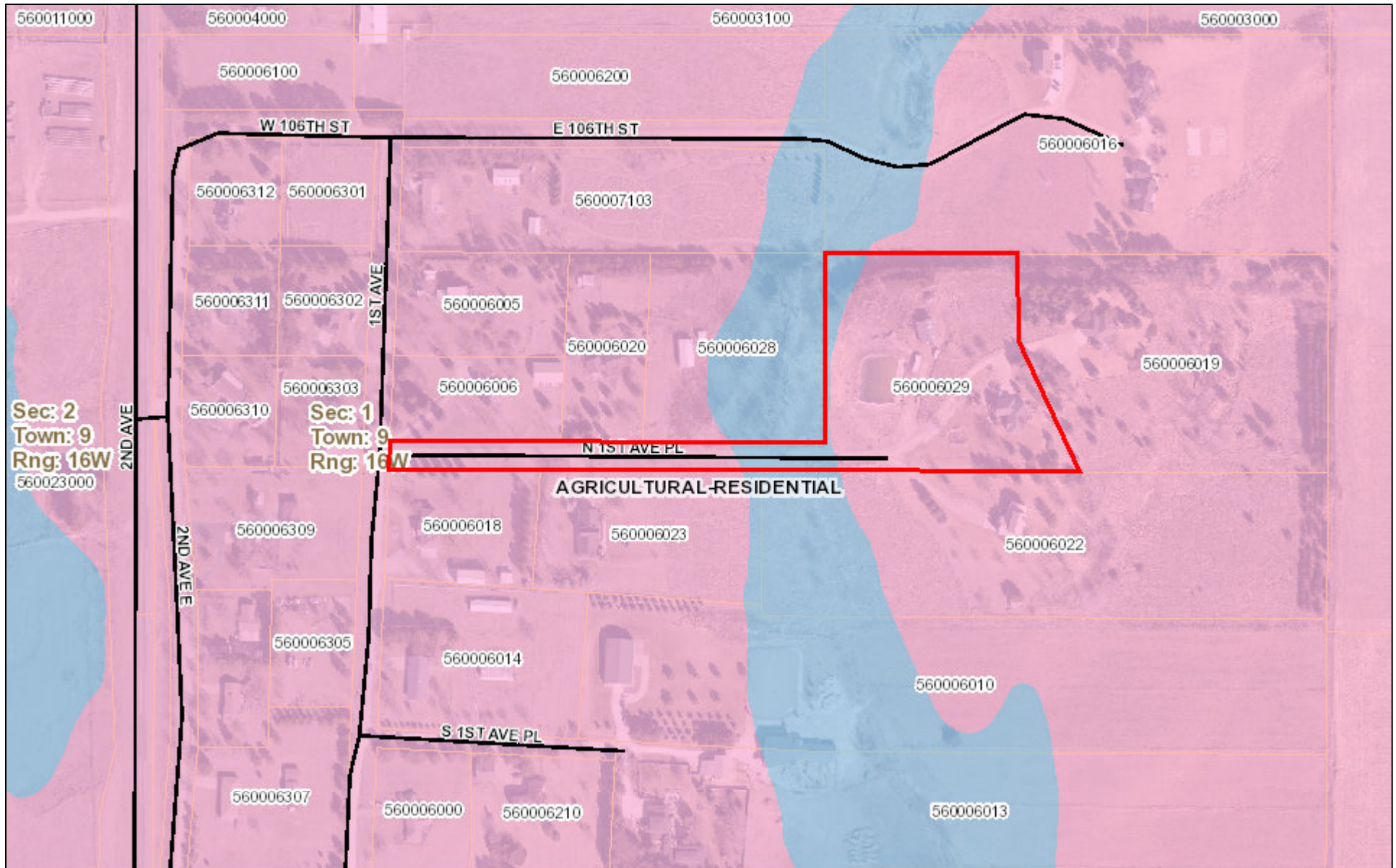
14 FEB 2024 PM 3 L

1512 Central Avenue, PO Box 1270
Kearney, Nebraska
68848

68848-127070



Roubicek Subdivision Aerial/Floodplain



January 25, 2024
14:28 PM

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.

1:4,865

— Labeled Streets

□ Special Use

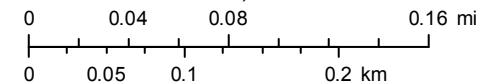
Floodplain

1% Annual Chance Flood Hazard

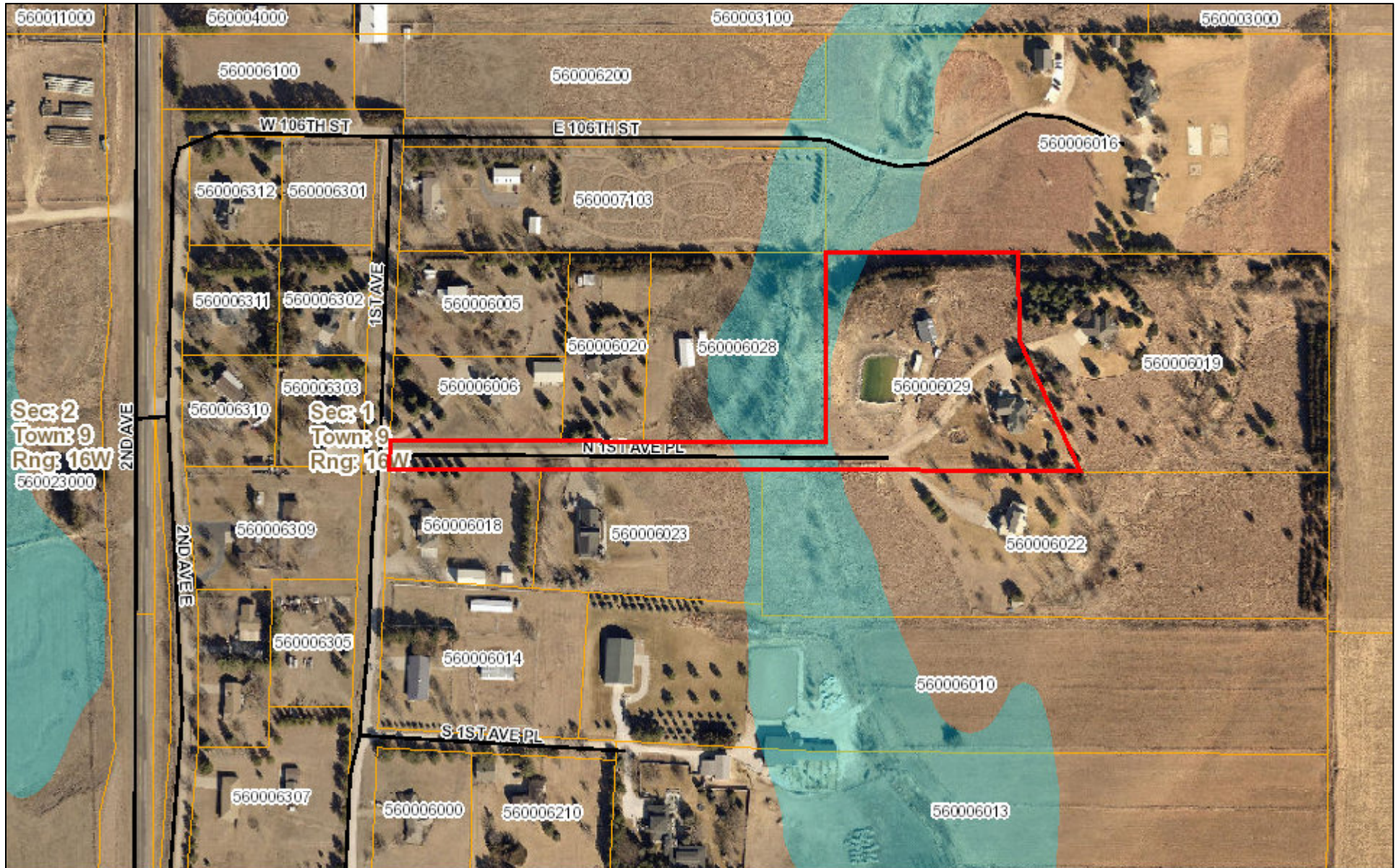
Regulatory Floodway

0.2% Annual Chance Flood Hazard

Area not Included



Roubicek Subdivision Aerial/Floodplain



January 25, 2024
14:19 PM

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.

1:4,865

— Labeled Streets

□ Special Use

Floodplain

□ 1% Annual Chance Flood Hazard

□ Regulatory Floodway

□ 0.2% Annual Chance Flood Hazard

□ Area not Included

□ Parcels

□ Sections

