



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: September 24, 2024

AGENT: Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Benjamin G. Hirschfeld and Christie Hirschfeld and Harry W. Whitley III and Correne E. Whitley

SUBJECT: Approval of proposed final plat, “Amity Hills Subdivision”, located in part 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 March 26, 2024, The Buffalo County Zoning Administrator presented the denial of a proposed final plat, “Amity Hills Subdivision”, due to a noncompliant preliminary plat.

On May 16, 2024, The Buffalo County Board of Adjustment approved the additional relaxations required to reapply.

1. This Board finds that there was an undue hardship for land that may be devalued due to a nonconforming lot, which is accessed by nonconforming accesses, based on the inability for the use of economic development potential.
2. This Board finds that this particular issue is not generally shared by the other properties in the same zoning district and the same vicinity.
3. This Board finds that the authorization of the variance will not be of substantial detriment to the adjacent properties and character of the district will not be changed by the granting of the variance.
4. This Board finds that the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

A motion was made by Mr. Hardesty, seconded by Mr. White, to approve the requests 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, Section 4.03, requiring all roads ending in a cul-de-sacs be less than 600 feet in length, Section 4.11, regarding minimum requirements for road design, Section 4.12 (A), requiring all subdivisions have access via dedicated public streets or roads, Section 4.12 (B), which require a minimum street width of sixty-six feet, and Section 5.01, which require all subdivisions be graded to the standards as set out in Chapter 4, for land situated in part 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”: Pierce, Hardesty, Vest, White & Pemberton-Riege.

Absent: Gangwish.

Abstain: None.

Voting “Nay”: None.

This Board, also, found that the applicant shall complete the filing of the final plat within one year, in lieu of the 120-day commencement period completion, of the date of approval by The Buffalo County Board of Adjustment.

A separate motion was made by Hardesty and seconded by Vest to require the final plat be filed within one year of the variance approval.

Voting “Aye”: Pierce, Hardesty, Vest, White & Pemberton-Riege.

Absent: Gangwish.

Abstain: None.

Voting “Nay”: None.

At the July 18, 2024, Buffalo County Planning Commission Meeting, a motion was made by Jeffs and seconded by Keep to recommend forwarding the Application for Preliminary Subdivision, favorably, on an 7-0 vote, with no abstentions and two absences.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest and Stubblefield.

At the August 13, 2024 Board of Commissioners’ Meeting, The Buffalo County Board of Commissioners, by simple majority, voted to approve the preliminary plat, on a preliminary basis, for “Amity Hills Subdivision”, via Resolution 2024-35.

Buffalo County Subdivision Regulations, Section 3.18, states: “When the final plat conforms to the approved preliminary plat and the requirements have been accomplished, the Board shall review the final plat for approval...”

ZONING AGENDA ITEM #2

MEETING DATE: September 24, 2024

AGENT: Mitchell Humphrey, licensed land surveyor, on behalf of Tami Jo Krull & Steven Roger Krull

SUBJECT: Building Restriction Agreement & LOMR-F for property described as Lot 11, Block 1, Bruner Lakeside Estates Second, a subdivision being part of Government Lot 1, part of Government Lot 2, and part of accretion lands deriving from and adjacent to Government Lot 1 and Government Lot 2, located in Section Twenty- four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Discussion:

Tami Jo Krull and Steven Roger Krull currently own a property, in the Agricultural – Residential (AGR) Zoning District, situated south of Shelton and sitting in the floodplain, Flood Zone A. Tax ID: 700147605. The owners are requesting to have their residence removed from the floodplain, based on elevation.

The agenda item, a Building Restriction Agreement, is a document outlining the risk of building in a floodplain area, assuring that any improvements are reasonably safe from flooding. It will require the notarized signatures of the owners and of the Buffalo County Board of Commissioner’s Chairman.

Additionally, FEMA will require the Letter of Map Revision based on Fill (LOMR-F), which shows the elevation, completed by a licensed surveyor or engineer. This document also requires the signature of the Buffalo County Board of Commissioner’s Chairman, on behalf of Buffalo County, on the acknowledgment form.

If FEMA approves the LOMR-F, then the Building Restriction Agreement will be recorded in the Register of Deeds Office.

We have a copy of the Elevation Form on record, which is enclosed in your packet, that shows compliance with our Floodplain Regulations.

Zoning Agenda

Item #1

APPLICATION FOR LAND DEVELOPMENT IN ACCORDANCE WITH BUFFALO COUNTY SUBDIVISION REGULATIONS

1-9-6 Riverdale

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 X
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: Amity Hills Subdivision Date 8-26-2024

Owner's name: Benjamin G. & Christie Hirschfeld and Harry W III & Correne E. Whitley

Owner's home address: 10325 1st Avenue Place, Kearney, NE 68847 and 10425 N 1st Avenue Place, Kearney, NE 68847

Telephone number(home): 308-440-1185 (daytime) 308-440-1185

Developer's name: Craig Bennett, Miller & Associates Consulting Engineers, P.C.

Developer's address: 1111 Central Avenue, Kearney, NE 68847, 308-234-6456

Engineer's name and address:

List all people who own, have liens and other interest Benjamin G. & Christie Hirschfeld and Harry W III & Correne E. Whitley

Present use of property: Residential & Agricultural

Desired use of property: Residential & Agricultural Present Zoning AGR, Agricultural-Residential

Legal Description of property: Agricultural-Residential

Area of property(square feet and/or acres) 20.80 Acres

Number of lots or parcels: 2

School District Glenwood Fire District Kearney

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: [Signature] Printed Name Benjamin G. & Christie Hirschfeld and Harry W III & Correne E. Whitley

And agent: [Signature]

Preliminary Plat approval date:

Action Taken:

P & Z Recommendation: approved disapproved Date:

County Commissioners: approved disapproved Date:

Office Use Only
Permit Number 2024-067
Filing Fee 220 @ Receipt # 975013
Zoning Classification AGR
Floodplain Yes or No 8/26/2024 elmc
8/09 partially Date Initial

LEGEND

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (5/8" REBAR, UNLESS NOTED)
- = CORNERS ESTABLISHED (5/8" REBAR W/CAP)
- × = TEMPORARY POINT
- (M) = MEASURED DISTANCES
- (D) = DEEDED DISTANCES
- (P) = PLATTED DISTANCES
- (R) = RECORDED DISTANCES
- = SECTION LINE
- = BOUNDARY LINE
- - - = NEW EASEMENT LINE
- - - = EXISTING EASEMENT LINE
- - - = EXISTING LOT LINES
- - - = BUILDING SETBACK LINE
- P.O.B. = POINT OF BEGINNING
- = SPECIAL FLOOD HAZARD AREA

NOTE: Inst. 2001-7007, Inst. 2008-4908 AND Document #2021-09345 are filed in the Buffalo County Register of Deeds

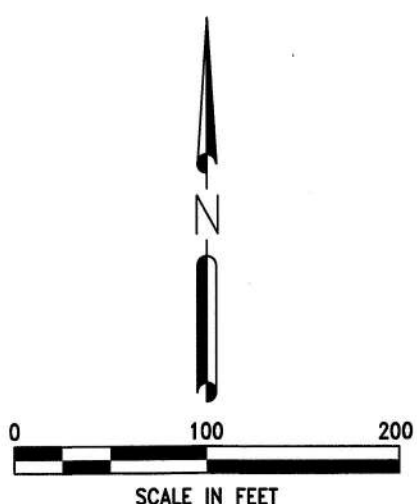
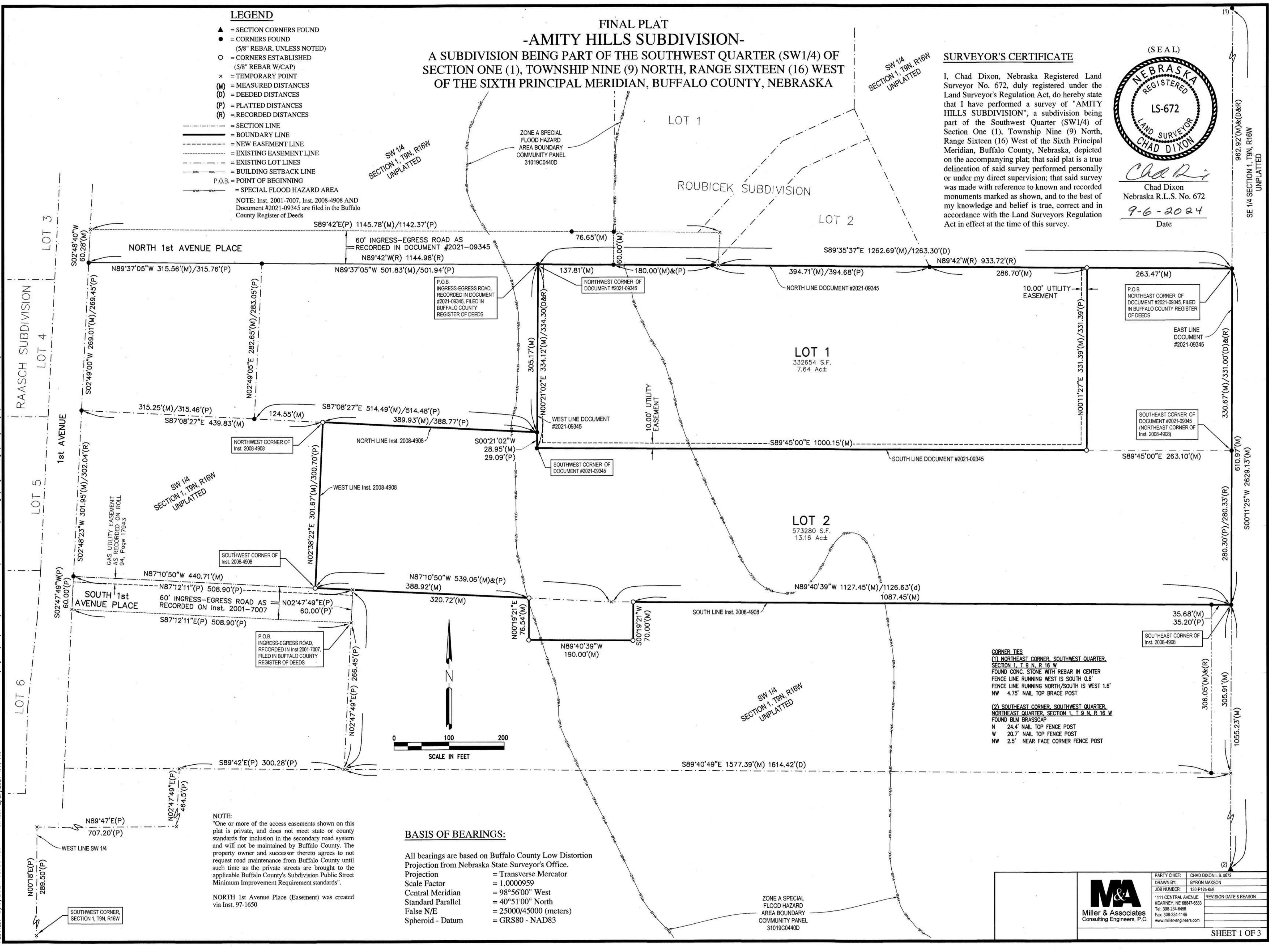
FINAL PLAT
 -AMITY HILLS SUBDIVISION-
 A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA

SURVEYOR'S CERTIFICATE

I, Chad Dixon, Nebraska Registered Land Surveyor No. 672, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of "AMITY HILLS SUBDIVISION", a subdivision being part of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyors Regulation Act in effect at the time of this survey.



Chad Dixon
 Chad Dixon
 Nebraska R.L.S. No. 672
 9-6-2024
 Date



BASIS OF BEARINGS:

All bearings are based on Buffalo County Low Distortion Projection from Nebraska State Surveyor's Office.
 Projection = Transverse Mercator
 Scale Factor = 1.0000959
 Central Meridian = 98°56'00" West
 Standard Parallel = 40°51'00" North
 False N/E = 25000/45000 (meters)
 Spheroid - Datum = GRS80 - NAD83

NOTE:
 "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 applicable Buffalo County's Subdivision Public Street Minimum Improvement Requirement standards".

NORTH 1st Avenue Place (Easement) was created via Inst. 97-1650

CORNER TIES
 (1) NORTHEAST CORNER, SOUTHWEST QUARTER, SECTION 1, T 9 N, R 16 W
 FOUND CONC. STONE WITH REBAR IN CENTER
 FENCE LINE RUNNING WEST IS SOUTH 0.8'
 FENCE LINE RUNNING NORTH/SOUTH IS WEST 1.6'
 NW 4.75' NAIL TOP BRACE POST
 (2) SOUTHEAST CORNER, SOUTHWEST QUARTER, NORTHEAST QUARTER, SECTION 1, T 9 N, R 16 W
 FOUND BLM BRASSCAP
 N 24.4' NAIL TOP FENCE POST
 W 20.7' NAIL TOP FENCE POST
 NW 2.5' NEAR FACE CORNER FENCE POST

MA Miller & Associates Consulting Engineers, P.C.

PARTY CHIEF:	CHAD DIXON L.S. #672
DRAWN BY:	BYRON MAXSON
JOB NUMBER:	130-P125-058
REVISION-DATE & REASON:	
1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com	

PLOTTED: 9/16/2024 10:39 AM
 SAVER: 2/27/2024 4:10 PM
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FINAL PLAT
 -AMITY HILLS SUBDIVISION-
 A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF
 SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST
 OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that

Benjamin G. Hirschfeld and Christie Hirschfeld, husband and wife and Harry W. Whitley, III and Correne E. Whitley, husband and wife

Pinnacle Bank, a Banking Corporation, Trustee,

by (print name) Brian C. Moore, (print title) Senior Vice President

"MERS" Mortgage Electronic Registration Systems, Inc., Beneficiary,

by (print name) _____, (print title) _____,

being the sole owners, Trustee, and beneficiary the land described hereon have caused the same to be surveyed, subdivided, platted and designated as "AMITY HILLS SUBDIVISION", a subdivision being part of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said owners, Trustee and beneficiary hereby ratify and approve the disposition of their property as shown on said plat, and hereby dedicate to the use and benefit of the public, the streets (IF ANY) and utility easements (IF ANY) as shown on the said plat, and acknowledge said subdivision to be made with the free consent and in accord with the desires of said owners and Trustee and beneficiary.

Dated this 3rd day of September, 2024

[Signature] (signature) Christie Hirschfeld (signature)
 Benjamin G. Hirschfeld, husband of Christie Hirschfeld
 Christie Hirschfeld, wife of Benjamin G. Hirschfeld

[Signature] (signature) Correne E. Whitley (signature)
 Harry W. Whitley, III, husband of Correne E. Whitley
 Correne E. Whitley, wife of Harry W. Whitley, III

Dated this 6th day of September, 2024

by: [Signature] (print title) Senior Vice President
 (print name) Brian C. Moore
 Pinnacle Bank, a Banking Corporation, Trustee

Dated this _____ day of _____, 20__.

by: _____ (print title) _____
 (print name) _____
 "MERS" Mortgage Electronic Registration Systems, Inc., Beneficiary

ACKNOWLEDGMENT

STATE OF Nebraska) S.S.

COUNTY OF Buffalo)
 The foregoing instrument was acknowledged before me this 3rd day of September, 2024, by Benjamin G. Hirschfeld, husband of Christie Hirschfeld.

[Signature] (S E A L) 
 Notary Public

My commission expires January 10, 2028

ACKNOWLEDGMENT

STATE OF Nebraska) S.S.

COUNTY OF Buffalo)
 The foregoing instrument was acknowledged before me this 3rd day of September, 2024, by Christie Hirschfeld, wife of Benjamin G. Hirschfeld.

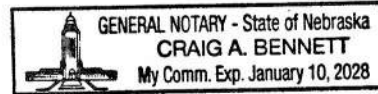
[Signature] (S E A L) 
 Notary Public

My commission expires January 10, 2028

ACKNOWLEDGMENT

STATE OF Nebraska) S.S.


COUNTY OF Buffalo)
 The foregoing instrument was acknowledged before me this 30th day of August, 2024, by Harry W. Whitley, III, husband of Correne E. Whitley.

[Signature] (S E A L) 
 Notary Public
 My Commission Expires January 10, 2028

ACKNOWLEDGMENT

STATE OF Nebraska) S.S.

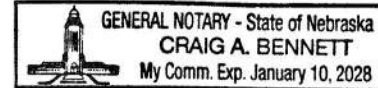
COUNTY OF Buffalo)
 The foregoing instrument was acknowledged before me this 3rd day of September, 2024, by Correne E. Whitley, wife of Harry W. Whitley, III.

[Signature] (S E A L) 
 Notary Public
 My commission expires 1-18-2026

ACKNOWLEDGMENT

STATE OF Nebraska) S.S.

COUNTY OF Buffalo)
 The foregoing instrument was acknowledged before me this 6th day of September, 2024, by (print name) Brian C. Moore (print title) Senior Vice President of Pinnacle Bank, a Banking Corporation, Trustee.

[Signature] (S E A L) 
 Notary Public
 My commission expires January 10, 2028

ACKNOWLEDGMENT

STATE OF _____) S.S.

COUNTY OF _____)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by (print name) _____ (print title) _____ of "MERS", Mortgage Electronic Registration Systems, Inc. Beneficiary.

 Notary Public (S E A L)
 My commission expires _____

C:\Projects\130\130-P\130-P100 to P100\130-P105-058\Civil-Dwg\Design Drawings\Survey Design\Ex_Base_BHirsch.dwg
 PLOTTED: 8/30/2024 8:25 AM
 SAVED: 8/27/2024 4:10 PM

 Miller & Associates Consulting Engineers, P.C.	CHAD DIXON L.S. #672 DRAWN BY: Byron Mason JOB NUMBER: 130-P105-058	REVISION-DATE & REASON
	1111 CENTRAL AVENUE HEARNEY, NE 68447-6633 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com	

SHEET 2 OF 3

March 22, 2024



Miller & Associates
CONSULTING ENGINEERS, P.C.

Dennise Daniels, Zoning Administrator
Buffalo County Zoning Office
1512 Central Avenue
P.O. Box 1270
Kearney, NE 68848

1111 Central Ave. Kearney, NE 68847-6833
Tel: 308-234-6456
Fax: 308-234-1146
www.miller-engineers.com

RE: Amity Hills Subdivision – Remainderman Response
M&A Project No. 130-P125-058

Dennise,

As requested, we have reviewed the underlying ownership of the properties included in the proposed Amity Hills Subdivision. There will be no remainderman of property owned by Benjamin G. Hirschfeld or Harry W. & Correne E. Whitley. Both of these properties will be completely encompassed within the exterior boundary as shown on the proposed Amity Hills Subdivision.

Please let me know if you have any questions.

Sincerely,

Craig A. Bennett
Planning & Land Development Manager

May 17, 2023

Dennise Daniels, Zoning Administrator
Buffalo County Zoning Office
1512 Central Avenue
P.O. Box 1270
Kearney, NE 68848

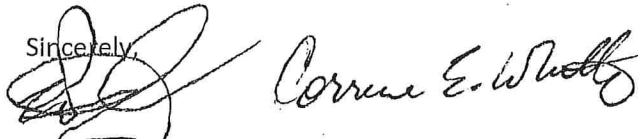
RE: Interest of Subdivider
M&A Project No. 111-G1-011

Dennise,

As requested per Buffalo County Subdivision Regulations, Section 7.03 the reason for subdividing the land associated with the proposed Amity Hills Subdivision is decreasing our property size to reduce the amount of maintenance.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Correne E. Whitley". The signature is written in a cursive style with a large, looping initial.

Harry W. & Correne E. Whitley

May 17, 2023

Dennise Daniels, Zoning Administrator
Buffalo County Zoning Office
1512 Central Avenue
P.O. Box 1270
Kearney, NE 68848

RE: Interest of Subdivider
M&A Project No. 111-G1-011

Dennise,

As requested per Buffalo County Subdivision Regulations, Section 7.03 the reason for subdividing the land associated with the proposed Amity Hills Subdivision is enlarging our property to enhance the use of the adjoining property.

Please let me know if you have any questions.

Sincerely,



Benjamin G. Hirschfeld

**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



Summary Report of Denial for Proposed Plat Submitted to The Buffalo County Board of Commissioners on 3/26/2024.

To: Buffalo County Board of Commissioners

From: Dennise Daniels, Zoning Administrator

Subject: Summary Report of Denial for Proposed Plat

On, or around, February 27, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for “Amity Hills Subdivision”, filed by Craig Bennett, of Miller and Associates, for a tract of land being part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-015, in the Buffalo County Zoning Records.

While reviewing the proposed final plat, “Amity Hills 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:

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 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)”;
- and
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)”;
- and
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)”;
- and
4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
- and
5. Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”; and
6. Buffalo County Subdivision Regulations, Section 4.11, states, “Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”; and

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



7. Buffalo County Subdivision Regulations, Section 4.12 (A), states, “Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.”; and
8. Buffalo County Subdivision Regulations, Section 4.12 (B), states, “Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).”; and
9. Buffalo County Subdivision Regulations, Section 5.01, states, “All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)”;
10. 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).”.

With careful consideration given 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, “Amity Hills Subdivision”, inventoried as Permit #2024-015 in the Buffalo County Zoning Records, the preliminary plat, submitted as, “Amity Hills Subdivision” is not compliant and is, therefore, denied based on the above listed reasons 1 through 10.

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.

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.buffalogo.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: Amity Hills Subdivision Date 2-21-2024

Owner's name: Benjamin G. & Chirstie Hirschfeld and Harry W III & Correne E. Whitley

10325 1st Avenue Place, Kearney, NE 68847 and
Owner's home address: 10425 N 1st Avenue Place, Kearney, NE 68847

Telephone number(home): 308-440-1185 (daytime) 308-440-1185

Developer's name: Craig Bennett, Miller & Associates Consulting Engineers, P.C.

Developer's address: 1111 Central Avenue, Kearney, NE 68847, 308-234-6456

Engineer's name and address: _____

List all people who own, have liens and other interest Benjamin G. & Chirstie Hirschfeld and Harry W III & Correne E. Whitley

Present use of property: Residential & Agricultural

Desired use of property: Residential & Agricultural Present Zoning AGR, Agricultural-Residential

Legal Description of property: Agricultural-Residential

Area of property(square feet and/or acres) 20.80 Acres

Number of lots or parcels: 2

School District Glenwood Fire District Kearney

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: [Signature] Printed Name Benjamin G. & Chirstie Hirschfeld and Harry W III & Correne E. Whitley

And agent: [Signature]

Preliminary Plat approval date: _____

Action Taken:
P & Z Recommendation: _____ approved _____ disapproved Date: _____
County Commissioners: _____ approved _____ disapproved Date: _____

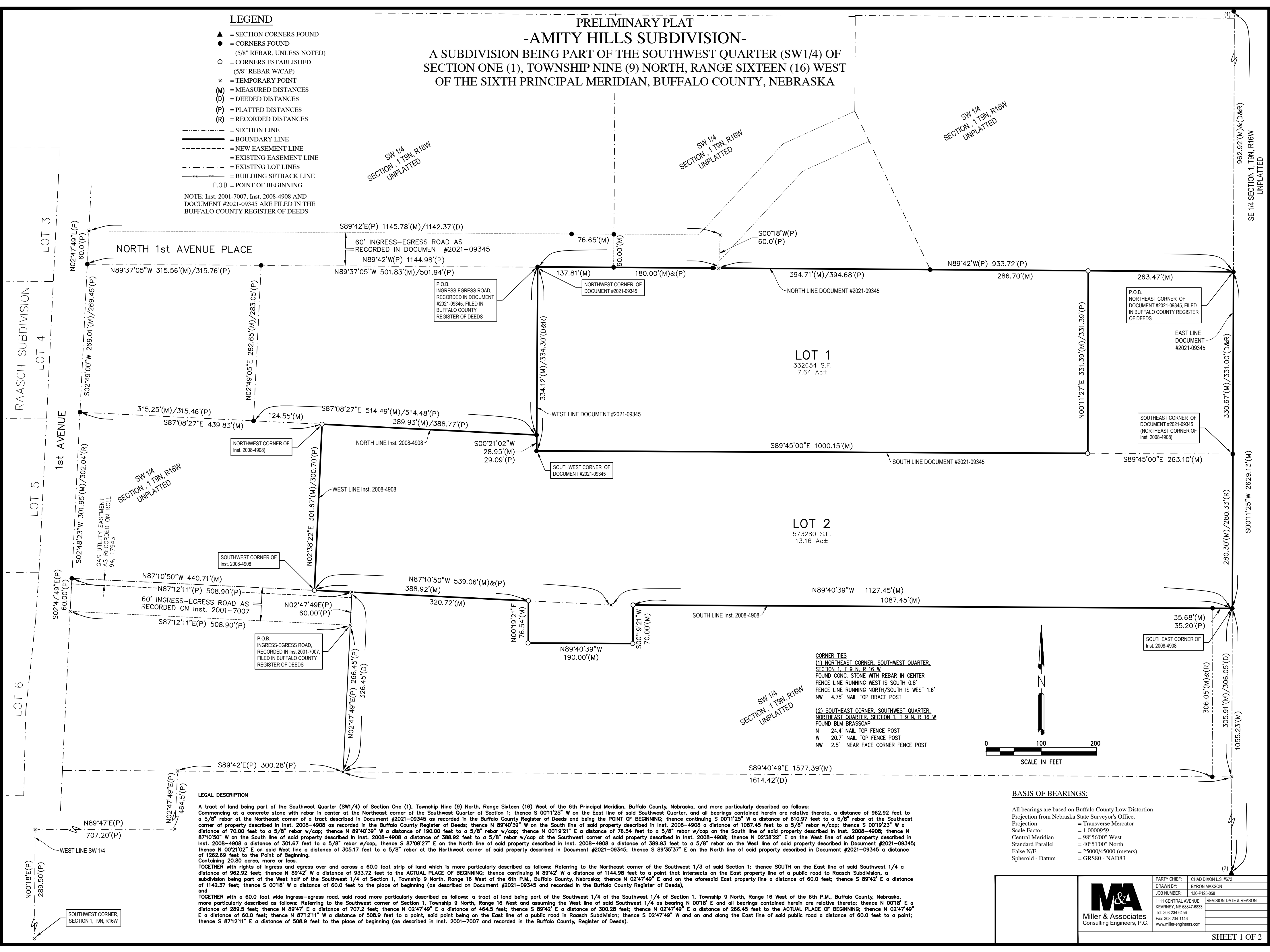
Office Use Only	
Permit Number	<u>2024-015</u>
Filing Fee	<u>340.00</u> Receipt # <u>974959</u>
Zoning Classification	<u>AGR</u>
Floodplain (Yes or No)	<u>2/27/2024 dmd</u>
8/09	<u>partially</u> Date Initial

LEGEND

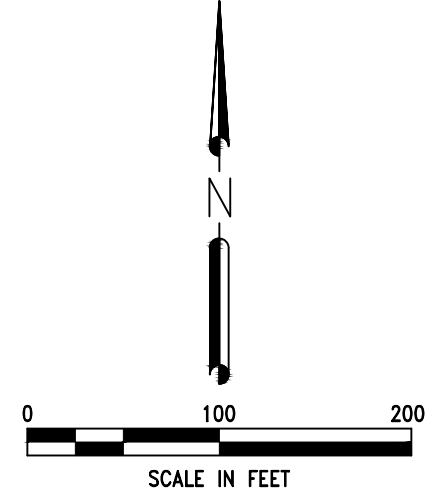
- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND
- (5/8" REBAR, UNLESS NOTED)
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- x = TEMPORARY POINT
- (M) = MEASURED DISTANCES
- (D) = DEEDED DISTANCES
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- · - · - = EXISTING EASEMENT LINE
- · - · - = EXISTING LOT LINES
- · - · - = BUILDING SETBACK LINE
- P.O.B. = POINT OF BEGINNING

NOTE: Inst. 2001-7007, Inst. 2008-4908 AND DOCUMENT #2021-09345 ARE FILED IN THE BUFFALO COUNTY REGISTER OF DEEDS

PRELIMINARY PLAT
 -AMITY HILLS SUBDIVISION-
 A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA



CORNER TIES
 (1) NORTHEAST CORNER, SOUTHWEST QUARTER, SECTION 1, T 9 N, R 16 W
 FOUND CONG. STONE WITH REBAR IN CENTER
 FENCE LINE RUNNING WEST IS SOUTH 0.8' NW 4.75' NAIL TOP BRACE POST
 (2) SOUTHEAST CORNER, SOUTHWEST QUARTER, NORTHEAST QUARTER, SECTION 1, T 9 N, R 16 W
 FOUND BLM BRASSCAP
 N 24.4' NAIL TOP FENCE POST
 W 20.7' NAIL TOP FENCE POST
 NW 2.5' NEAR FACE CORNER FENCE POST



LEGAL DESCRIPTION

A tract of land being part of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Commencing at a concrete stone with rebar in center at the Northeast corner of the Southwest Quarter of Section 1; thence S 00°11'25" W on the East line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 962.92 feet to a 5/8" rebar at the Northeast corner of a tract described in Document #2021-09345 as recorded in the Buffalo County Register of Deeds and being the POINT OF BEGINNING; thence continuing S 00°11'25" W a distance of 610.97 feet to a 5/8" rebar at the Southeast corner of property described in Inst. 2008-4908 as recorded in the Buffalo County Register of Deeds; thence N 89°40'39" W on the South line of said property described in Inst. 2008-4908 a distance of 1087.45 feet to a 5/8" rebar w/cap; thence S 00°19'23" W a distance of 70.00 feet to a 5/8" rebar w/cap; thence N 89°40'39" W a distance of 190.00 feet to a 5/8" rebar w/cap; thence N 00°19'21" E a distance of 76.54 feet to a 5/8" rebar w/cap on the South line of said property described in Inst. 2008-4908; thence N 87°10'50" W on the South line of said property described in Inst. 2008-4908 a distance of 388.92 feet to a 5/8" rebar w/cap at the Southwest corner of said property described in Inst. 2008-4908; thence N 02°38'22" E on the West line of said property described in Inst. 2008-4908 a distance of 301.67 feet to a 5/8" rebar w/cap; thence S 87°08'27" E on the North line of said property described in Inst. 2008-4908 a distance of 389.93 feet to a 5/8" rebar on the West line of said property described in Document #2021-09345; thence N 00°21'02" E on said West line a distance of 305.17 feet to a 5/8" rebar at the Northwest corner of said property described in Document #2021-09345; thence S 89°35'37" E on the North line of said property described in Document #2021-09345 a distance of 1262.69 feet to the Point of Beginning. Containing 20.80 acres, more or less. TOGETHER with 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 1/4 of said Section 1; thence SOUTH on the East line of said Southwest 1/4 a distance of 962.92 feet; thence N 89°42' W a distance of 933.72 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W a distance of 1144.98 feet to a point that intersects on the East property line of a public road to Raasch Subdivision, a subdivision being part of the West half of the Southwest 1/4 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 property line a distance of 60.0 feet; thence S 89°42' E a distance of 1142.37 feet; thence S 00°18' W a distance of 60.0 feet to the place of beginning (as described on Document #2021-09345 and recorded in the Buffalo County Register of Deeds), and TOGETHER with a 60.0 foot wide ingress-egress road, said road more particularly described as follows: a tract of land being part of the Southwest 1/4 of the Southwest 1/4 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 Southwest corner of Section 1, Township 9 North, Range 16 West and assuming the West line of said Southwest 1/4 with bearing N 00°18' E and all bearings contained herein are relative thereto; thence N 00°18' E a distance of 289.50 feet; thence N 89°47' E a distance of 707.2 feet; thence N 02°47'49" E a distance of 464.5 feet; thence S 89°42' E a distance of 300.28 feet; thence N 02°47'49" E a distance of 266.45 feet to the ACTUAL PLACE OF BEGINNING; thence N 02°47'49" E a distance of 60.0 feet; thence N 87°12'11" W a distance of 508.9 feet to a point, said point being on the East line of a public road in Raasch Subdivision; thence S 02°47'49" W and on and along the East line of said public road a distance of 60.0 feet to a point; thence S 87°12'11" E a distance of 508.9 feet to the place of beginning (as described in Inst. 2001-7007 and recorded in the Buffalo County Register of Deeds).

BASIS OF BEARINGS:

All bearings are based on Buffalo County Low Distortion Projection from Nebraska State Surveyor's Office.
 Projection = Transverse Mercator
 Scale Factor = 1.0000959
 Central Meridian = 98°56'00" West
 Standard Parallel = 40°51'00" North
 False N/E = 25000/45000 (meters)
 Spheroid - Datum = GRS80 - NAD83

MA
 Miller & Associates
 Consulting Engineers, P.C.

PARTY CHIEF:	CHAD DIXON L.S. #672
DRAWN BY:	BYRON MAXSON
JOB NUMBER:	130-P125-058
1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6458 Fax: 308-234-1146 www.miller-engineers.com	REVISION-DATE & REASON

SHEET 1 OF 2

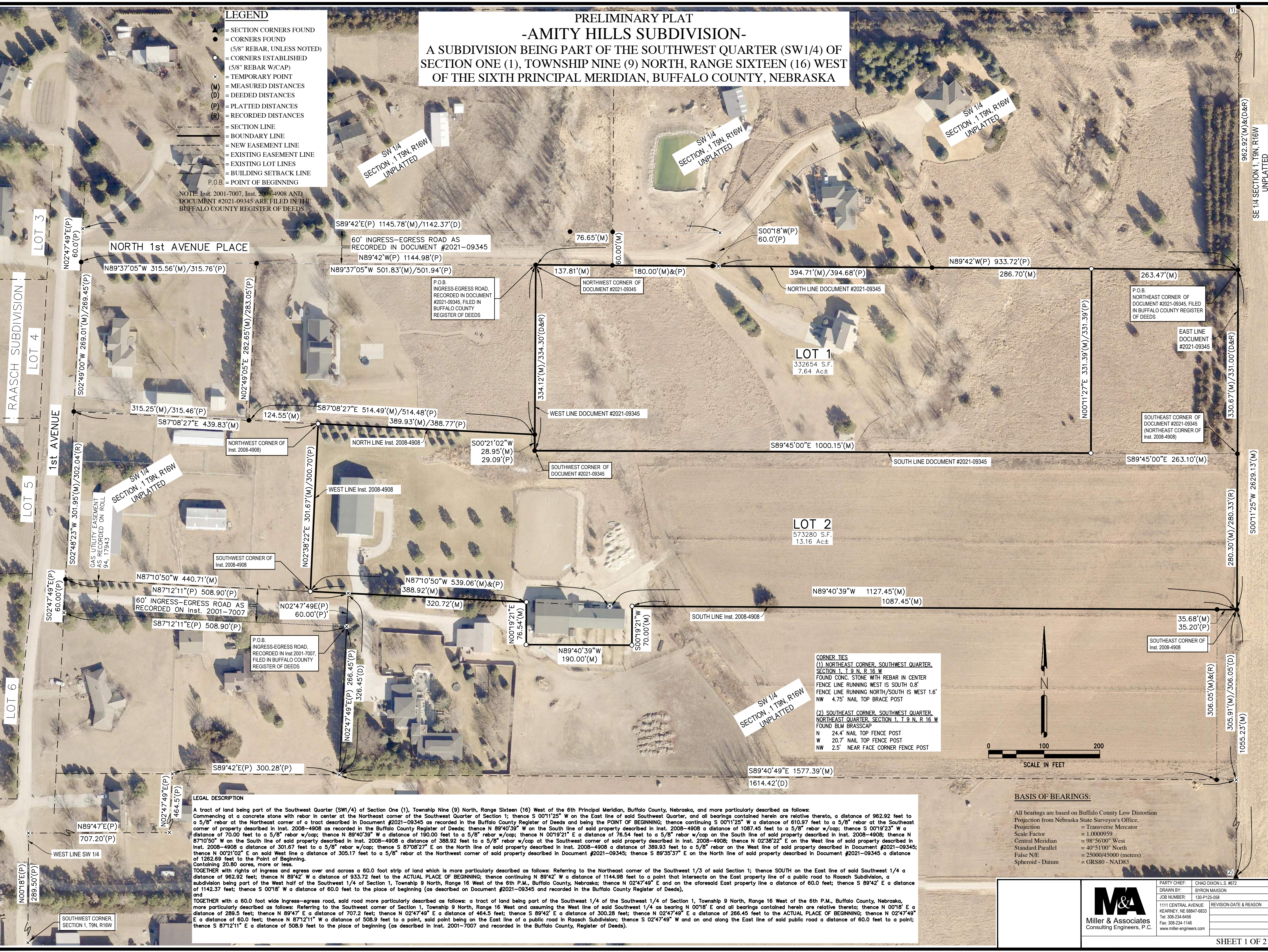
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- LEGEND**
- ▲ = SECTION CORNERS FOUND
 - = CORNERS FOUND
 - (5/8" REBAR, UNLESS NOTED)
 - = CORNERS ESTABLISHED
 - (5/8" REBAR W/CAP)
 - × = TEMPORARY POINT
 - (M) = MEASURED DISTANCES
 - (D) = DEEDED DISTANCES
 - (P) = PLATTED DISTANCES
 - (R) = RECORDED DISTANCES
 - = SECTION LINE
 - - - = BOUNDARY LINE
 - - - = NEW EASEMENT LINE
 - - - = EXISTING EASEMENT LINE
 - - - = EXISTING LOT LINES
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 - P.O.B. = POINT OF BEGINNING

NOTE: Inst. 2001-7007, Inst. 2008-4908 AND DOCUMENT #2021-09345 ARE FILED IN THE BUFFALO COUNTY REGISTER OF DEEDS

PRELIMINARY PLAT
-AMITY HILLS SUBDIVISION-
 A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA



LEGAL DESCRIPTION

A tract of land being part of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Commencing at a concrete stone with rebar in center at the Northeast corner of the Southwest Quarter of Section 1; thence S 00°11'25" W on the East line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 962.92 feet to a 5/8" rebar at the Northeast corner of a tract described in Document #2021-09345 as recorded in the Buffalo County Register of Deeds and being the POINT OF BEGINNING; thence continuing S 00°11'25" W a distance of 610.97 feet to a 5/8" rebar at the Southeast corner of property described in Inst. 2008-4908 as recorded in the Buffalo County Register of Deeds; thence N 89°40'39" W on the South line of said property described in Inst. 2008-4908 a distance of 1087.45 feet to a 5/8" rebar w/cap; thence S 00°19'23" W a distance of 70.00 feet to a 5/8" rebar w/cap; thence N 89°40'39" W a distance of 190.00 feet to a 5/8" rebar w/cap; thence N 00°19'21" E a distance of 76.54 feet to a 5/8" rebar w/cap on the South line of said property described in Inst. 2008-4908; thence N 87°10'50" W on the South line of said property described in Inst. 2008-4908 a distance of 388.92 feet to a 5/8" rebar w/cap at the Southwest corner of said property described in Inst. 2008-4908; thence N 02°38'22" E on the West line of said property described in Inst. 2008-4908 a distance of 301.67 feet to a 5/8" rebar w/cap; thence S 87°08'27" E on the North line of said property described in Inst. 2008-4908 a distance of 389.93 feet to a 5/8" rebar on the West line of said property described in Document #2021-09345; thence N 00°21'02" E on said West line a distance of 305.17 feet to a 5/8" rebar at the Northwest corner of said property described in Document #2021-09345; thence S 89°35'37" E on the North line of said property described in Document #2021-09345 a distance of 1282.89 feet to the Point of Beginning. Containing 20.80 acres, more or less.

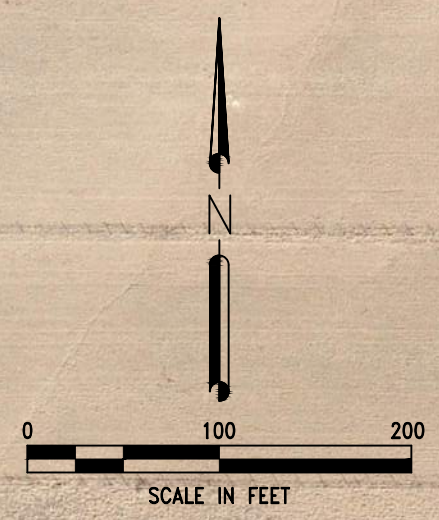
TOGETHER with rights of ingress and egress over and across a 60.0 foot strip of land which is more particularly described as follows: Referring to the Northeast corner of the Southwest 1/3 of said Section 1; thence SOUTH on the East line of said Southwest 1/4 a distance of 962.92 feet; thence N 89°42' W a distance of 933.72 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W a distance of 1144.98 feet to a point that intersects on the East property line of a public road to Raasch Subdivision, a subdivision being part of the West half of the Southwest 1/4 of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence N 02°47'49" E on and on the aforesaid East property line a distance of 60.0 feet; thence S 89°42' E a distance of 1142.37 feet; thence S 00°18' W a distance of 60.0 feet to the place of beginning (as described on Document #2021-09345 and recorded in the Buffalo County Register of Deeds), and

TOGETHER with a 60.0 foot wide ingress-egress road, said road more particularly described as follows: a tract of land being part of the Southwest 1/4 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 Southwest corner of Section 1, Township 9 North, Range 16 West and assuming the West line of said Southwest 1/4 with bearing N 00°18' E and all bearings contained herein are relative thereto; thence N 00°18' E a distance of 289.5 feet; thence N 89°47' E a distance of 707.2 feet; thence N 02°47'49" E a distance of 464.5 feet; thence S 89°42' E a distance of 300.28 feet; thence N 02°47'49" E a distance of 266.45 feet to the ACTUAL PLACE OF BEGINNING; thence N 02°47'49" E a distance of 60.0 feet; thence N 87°12'11" W a distance of 508.9 feet to a point, said point being on the East line of a public road in Raasch Subdivision; thence S 02°47'49" W and on and along the East line of said public road a distance of 60.0 feet to a point; thence S 87°12'11" E a distance of 508.9 feet to the place of beginning (as described in Inst. 2001-7007 and recorded in the Buffalo County Register of Deeds).

CORNER TIES

(1) NORTHEAST CORNER, SOUTHWEST QUARTER, SECTION 1, T. 9 N., R. 16 W. FOUND CONG. STONE WITH REBAR IN CENTER FENCE LINE RUNNING WEST IS SOUTH 0.8' FENCE LINE RUNNING NORTH/SOUTH IS WEST 1.6' NW 4.75" NAIL TOP BRACE POST

(2) SOUTHEAST CORNER, SOUTHWEST QUARTER, NORTHEAST QUARTER, SECTION 1, T. 9 N., R. 16 W. FOUND BLM BRASSCAP N 24.4" NAIL TOP FENCE POST W 20.7" NAIL TOP FENCE POST NW 2.5" NEAR FACE CORNER FENCE POST



BASIS OF BEARINGS:

All bearings are based on Buffalo County Low Distortion Projection from Nebraska State Surveyor's Office.
 Projection = Transverse Mercator
 Scale Factor = 1.0000959
 Central Meridian = 98°56'00" West
 Standard Parallel = 40°51'00" North
 False N/E = 25000/45000 (meters)
 Spheroid - Datum = GRS80 - NAD83

MA
 Miller & Associates
 Consulting Engineers, P.C.

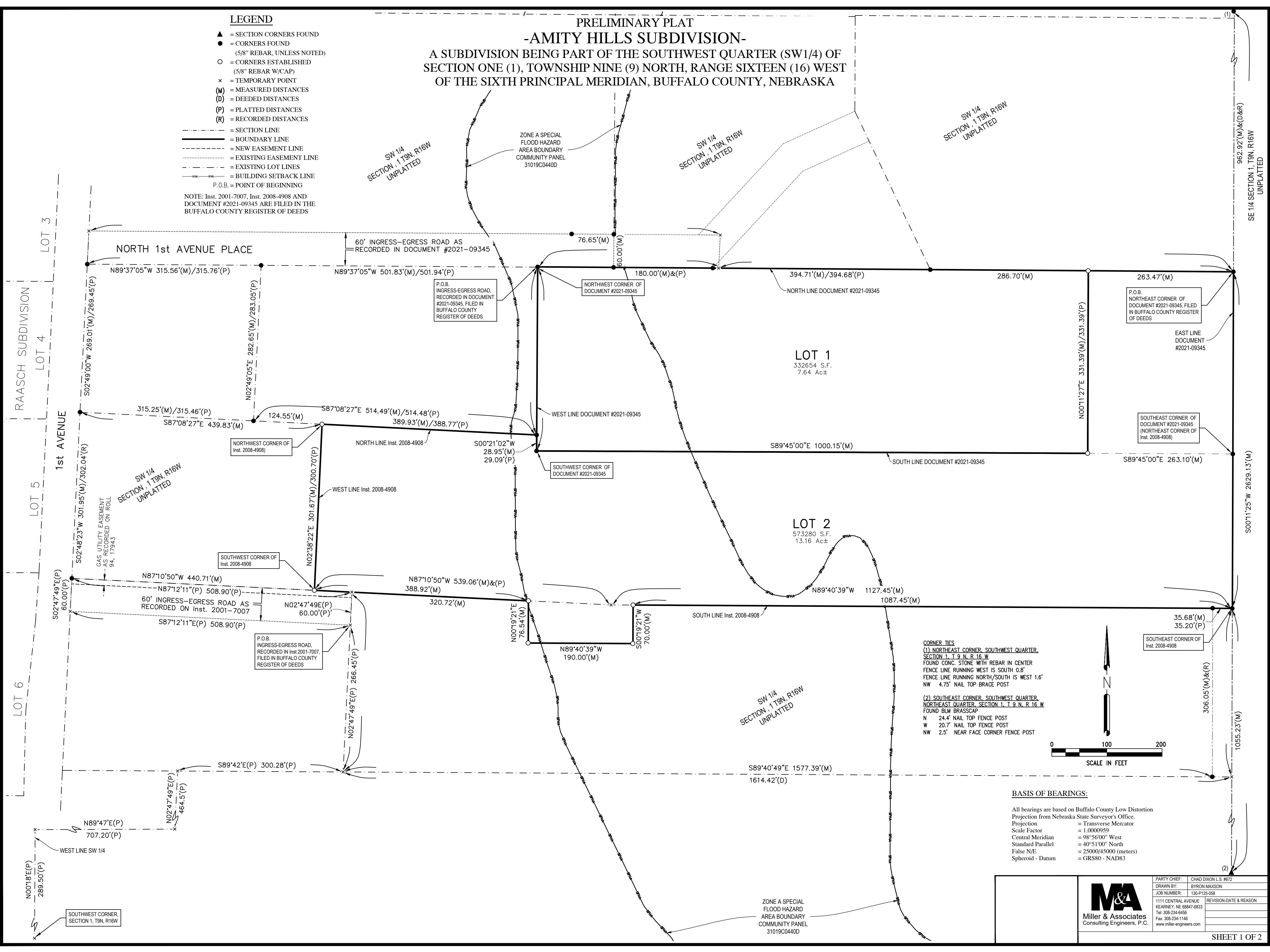
PARTY CHIEF:	CHAD DIXON L.S. #672
DRAWN BY:	BYRON MAXSON
JOB NUMBER:	130-P125-058
1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6458 Fax: 308-234-1146 www.miller-engineers.com	REVISION-DATE & REASON

LEGEND

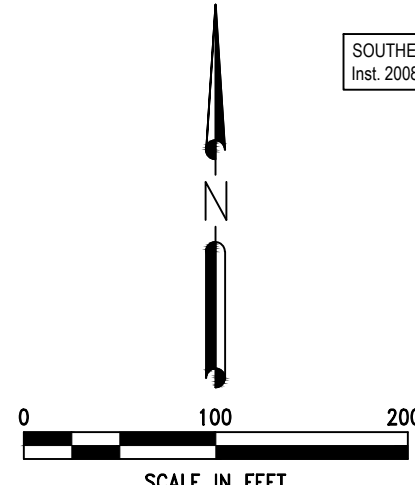
- ▲ = SECTION CORNERS FOUND
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PRELIMINARY PLAT
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 A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA



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MA Miller & Associates Consulting Engineers, P.C.	PARTY CHIEF: CHAD DIXON L.S. #672
	DRAWN BY: BYRON MAXSON
	JOB NUMBER: 130-P125-058
	1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6458 Fax: 308-234-1146 www.miller-engineers.com
	REVISION-DATE & REASON

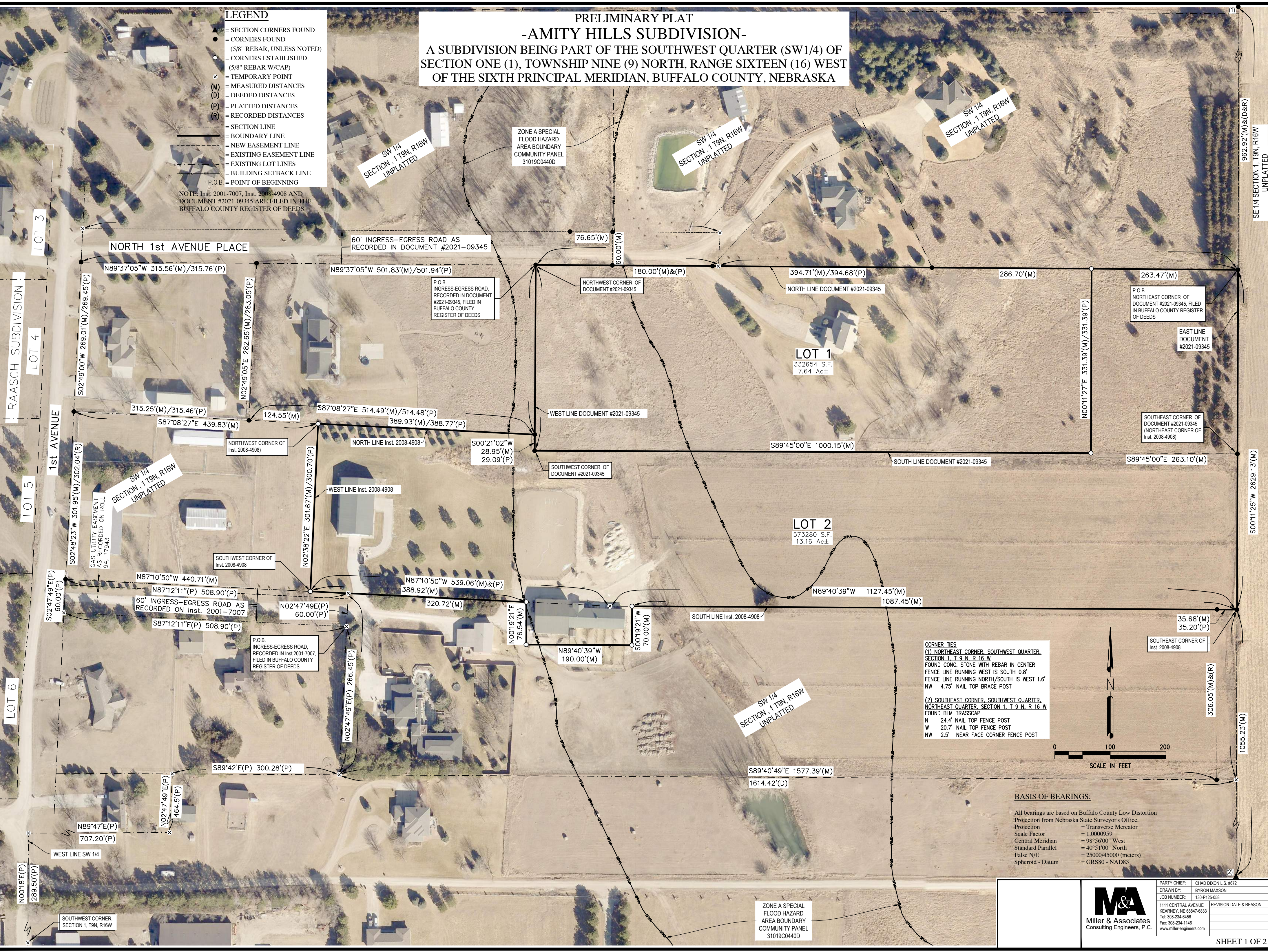
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- LEGEND**
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 - = CORNERS FOUND
 - (5/8" REBAR, UNLESS NOTED)
 - = CORNERS ESTABLISHED
 - (5/8" REBAR W/CAP)
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 - (M) = MEASURED DISTANCES
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NOTE: Inst. 2001-7007, Inst. 2008-4908 AND DOCUMENT #2021-09345 ARE FILED IN THE BUFFALO COUNTY REGISTER OF DEEDS

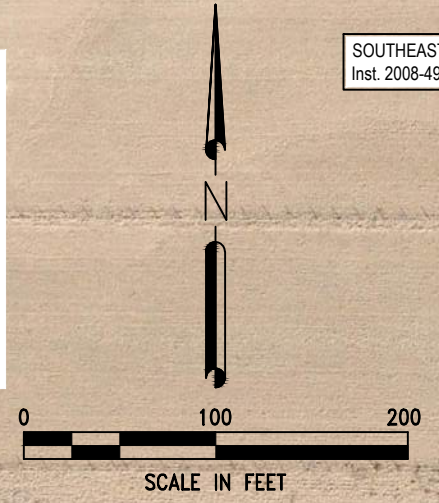
PRELIMINARY PLAT
-AMITY HILLS SUBDIVISION-
A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA



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BASIS OF BEARINGS:

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Spheroid - Datum = GRS80 - NAD83

M&A Miller & Associates Consulting Engineers, P.C.	PARTY CHIEF: CHAD DIXON L.S. #672
	DRAWN BY: BYRON MAXSON
JOB NUMBER: 130-P125-058	REVISION-DATE & REASON
1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com	

Last Deeds of Record

NUM PAGES 3
DOC TAX 551.25 PD CHG RET
FEES 15.50 PD CHG RET
TOTAL 566.75
CK NUM 3324(551.25) BY JON
23879(15.50) BY "

TRACT INDEX px
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RECORDED /
BUFFALO COUNTY, NE
2001 SP -5 PM 4:25
Kellie John
REGISTER OF DEEDS

REC'D _____
RETURN BARNEY
BOX 546
KEARNEY, NE, 68848

NEBRASKA DOCUMENTARY
STAMP TAX
Date 8-5-2001
\$ 551.25 By KST

JOINT TENANCY WARRANTY DEED

NEWTON BASIL COUTINHO and CYNTHIA KATER COUTINHO, husband and wife, as joint tenants and not tenants in common, hereinafter called "Grantor," in consideration of the sum of THREE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$315,000.00) received from BENJAMIN G. HIRSCHFELD and CHRISTIE HIRSCHFELD, husband and wife as joint tenants, hereinafter called "Grantee," conveys to Grantee, the real estate (as defined in Neb. Rev. Stat. §76-201) described in Exhibit "A" attached hereto and incorporated by this reference.

Grantor covenants with Grantee that:

- 1) Grantor is lawfully seised of such real estate and that it is free from encumbrances, except easements and covenants of record and use, restrictions now of record;
- 2) Grantor has legal power and lawful authority to convey the same;
- 3) Grantor warrants and will defend title to the real estate against the lawful claims of all persons.

Executed this 28th day of August, 2001.

Newton Basil Coutinho
NEWTON BASIL COUTINHO

Cynthia Kater Coutinho
CYNTHIA KATER COUTINHO

10325 1st Ave Place

PROPERTY

EXHIBIT "A"

A tract of land being part of the Southwest 1/4 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 Southwest corner of said Section 1, Township 9 North, Range 16 West and assuming the West line of said Southwest 1/4 as bearing N 00° 18' E and all bearings contained herein are relative thereto; thence N 00° 18' E a distance of 289.5 feet; thence N 89° 47' E a distance of 707.2 feet; thence N 02° 47' 49" E a distance of 464.5 feet; thence S 89° 42' E a distance of 300.28 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 42' E a distance of 1614.42 feet to a point on the East line of the Southwest 1/4 of said section; thence NORTH on the aforesaid East line a distance of 306.05 feet; thence N 89° 42' W a distance of 1127.03 feet; thence N 87° 12' 11" W a distance of 471.79 feet; thence S 02° 47' 49" W a distance of 326.45 feet to the place of beginning, TOGETHER WITH a 60.0 foot wide ingress-egress road, said road more particularly described as follows: A tract of land being part of the Southwest 1/4 of the Southwest 1/4 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 Southwest corner of Section 1, Township 9 North, Range 16 West and assuming the West line of said Southwest 1/4 as bearing N 00° 18' E and all bearings contained herein are relative thereto; thence N 00° 18' E a distance of 289.5 feet; thence N 89° 47' E a distance of 707.2 feet; thence N 02° 47' 49" E a distance of 464.5 feet; thence S 89° 42' E a distance of 300.28 feet; thence N 02° 47' 49" E a distance of 266.45 feet to the ACTUAL PLACE OF BEGINNING; thence N 02° 47' 49" E a distance of 60.0 feet; thence N 87° 12' 11" W a distance of 508.9 feet to a point, said point being on the East line of a public road in Raasch Subdivision; thence S 02° 47' 49" W and on and along the East line of said public road a distance of 60.0 feet to a point; thence S 87° 12' 11" E a distance of 508.9 feet to the place of beginning.

inst. 2008 - 4908

NUM PAGES 2
DOC TAX Exempt SA PD CHG RET
FEES 10.50 PD X CHG RET
TOTAL 10.50
CK NUM 62642 BY J.O.N.L.H
BY

TRACT INDEX J
COMPUTER J
COMPARED w/
card

RECORDED
BUFFALO COUNTY, NE
2008 JUN 30 AM 10:15

REC'D
RETURN JACOBSEN, ORR NELSON L & H
BOX 1060
KEARNEY, NE 68848

NEBRASKA DOCUMENTARY
STAMP TAX
Date 06-30-2008
\$ EXEMPT SA By JMS

Kellie John
REGISTER OF DEEDS

PROPERTY OF BUFFALO COUNTY

WARRANTY DEED

Daniel Hirschfeld and Monya A. Hirschfeld, husband and wife, hereinafter collectively called "Grantor," in consideration of the sum of **ONE DOLLAR** received from Benjamin G Hirschfeld hereinafter called "Grantee," conveys to Grantee, the following-described real estate (as defined in Neb. Rev. Stat. §76-201):

A tract of land being part of the Southwest 1/4 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 1/4 of said Section 1 and assuming the East line of said Southwest 1/4 as bearing South and all bearings contained herein are relative thereto; thence South on the East line of the Southwest 1/4 of said Section a distance of 1293.92 feet to the ACTUAL PLACE OF BEGINNING; thence continuing South on the aforesaid East line course a distance of 280.33 feet; thence N 89°42'W a distance of 1126.63 feet; thence N 87°12'11"W a distance of 137.52 feet; thence continuing N 87°12'11"W a distance of 401.54 feet; thence N 02°37'01"E a distance of 300.70 feet; thence S 87°12'11"E a distance of 388.77 feet; thence S 00°18'W a distance of 29.09 feet; thence S 89°51'E a distance of 1263.3 feet to the place of beginning.

Grantor covenants with Grantee that:

- 1) Grantor is lawfully seized of such real estate and that it is free from encumbrances, except easements and covenants of record and use, restrictions now of record;
- 2) Grantor has legal power and lawful authority to convey the same;
- 3) Grantor warrants and will defend title to the real estate against the lawful claims of all persons.

2021-09345

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 12/23/2021 10:31:33 AM
DEED WARRANTY
REC FEE: 16.00
PAGES: 2

PD: 1217.50 ESCROW:
CK: ACH SIMPLIFILE

REC'D:SIMPLIFILE
SUB:CENTRAL NEBRASKA TITLE
10425 NORTH 1ST AVENUE PLACE-KEARNEY
NEBRASKA DOCUMENTARY STAMP TAX
DOC TAX: 1,201.50
EXEMPTION:
RECORDED ON: 12/23/2021
AUTHORIZED BY: ARJ

PROPERTY OF BUFFALO COUNTY

Central Nebraska Title & Escrow, LEC.
4503 2nd Avenue, Suite 101
Kearney, NE 68847

JOINT TENANCY WARRANTY DEED

Janet Trewin, an unmarried individual, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from Harry W. Whitley, III and Correne E. Whitley, husband and wife, GRANTEES, hereby conveys to GRANTEES, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. §76-201):

A tract of land being part of the Northeast 1/4 of the Southwest 1/4 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 1/4 of said Section 1 and assuming the East line of said Southwest 1/4 as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of the Southwest 1/4 of said section a distance of 962.92 feet to the ACTUAL PLACE OF BEGINNING; thence N 89°42' W a distance of 1,261.0 feet; thence S 00°18' W a distance of 334.3 feet; thence S 89°51' E a distance of 1,262.74 feet to a point on the East line of said Southwest 1/4; thence NORTH on the aforesaid East line a distance of 331.0 feet to the place of beginning. Containing 9.636 acres, more or less.

TOGETHER WITH 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 1/4 of said Section 1; thence SOUTH on the East line of said Southwest 1/4 a distance of 962.92 feet; thence N 89°42' W a distance of 933.72 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W a distance of 1,144.98 feet to a point that intersects on the East property line of a public road to Raasch Subdivision, a subdivision being part of the West half of the Southwest 1/4 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 property line a distance of 60.0 feet; thence S 89°42' E a distance of 1,142.37 feet; thence S 00°18' W a distance of 60.0 feet to the place of beginning.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

- 1) is lawfully seized of such real estate and that it is free from encumbrance; except easements, reservations, covenants and restrictions visible and of record;
- 2) has legal power and lawful authority to convey the same; and
- 3) warrants and will defend title to the real estate against the lawful claims of all persons.

01-1182

PROPERTY OF BUFFALO COUNTY TEXAS

Executed this 8th day of December, 2021.

Janet Trewin
Janet Trewin

STATE OF ~~NEBRASKA~~ Texas

COUNTY OF Harris

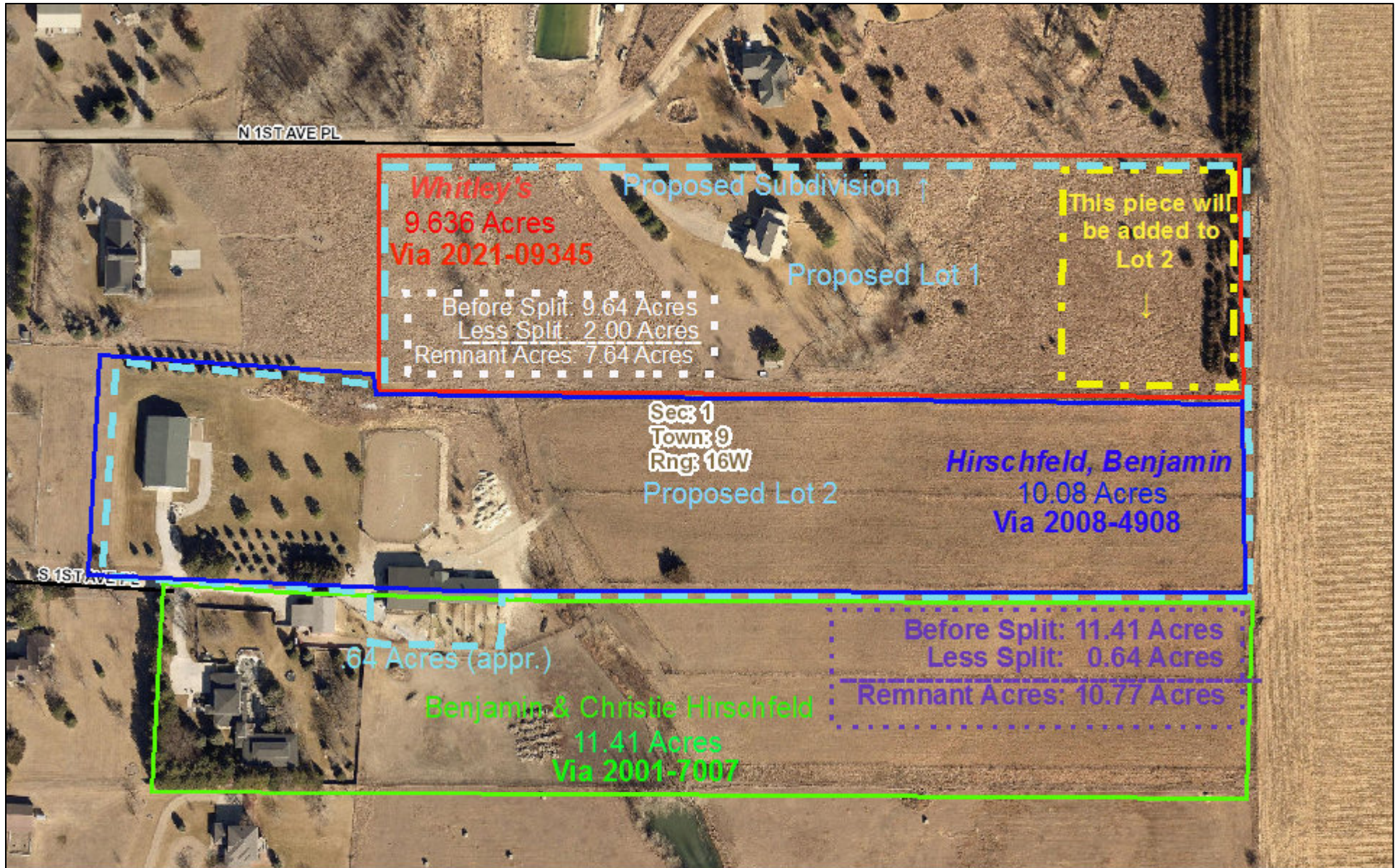
The foregoing instrument was acknowledged before me on 8th December, 2021 by Janet Trewin, an unmarried individual.

[Signature]
Notary Public

My commission expires 03/23/2023



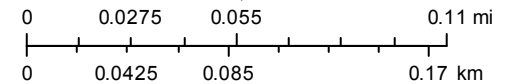
Remainderment Map



March 14, 2024
16:12 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.

1:3,190



- Labeled Streets
- Special Use
- Sections

All calculations are approximate.

**Application for
Variance &
Accompanying
Documentation**

1-9-16
Riverdale

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 4-2-2024

1. Property owner's name Benjamin G & Christie Hirschfeld and Harry W III & Correne E Whitley Telephone # 308.234.6456

2. Property owner's address 10325 1st Avenue Place, Kearney, NE Zip Code 68847

3. Address and complete legal description of property 10325 1st Avenue Place, Kearney, NE 68847 and
10425 N 1st Avenue Place, Kearney, NE 68847 (See attached for legal description)

4. For what section (s) or provisions (s) of the zoning or subdivision regulations are you seeking a variance? _____
Section 1-1.05, Section 2.35, Section 4.02, Section 4.03, Section 4.11, Section 4.12(A), Section 4.12(B), Section 5.01, Section 5.32(2)

5. What are you proposing to do that requires you to seek board action? _____
Split a portion of the Whitley property on the North and add it to the Hirschfeld property abutting on the south side. (No improvement are proposed, no change land value) Proposed Value \$ No change

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 These properties and others abutting are accessed by long standing existing ingress/egress easements spanning many years. They access an the existing Raasch Subdivision that had dedicated public right-of-way with non conforming RL-2 road standards.

B. Adjacent Property—
North Roubicek property was just approved with the same issue. South Owned by Hirschfeld applicant with the same issue.
East Owned by Messbarger, no issue. West Various owner with the same issue.

C. Hardship The hardship is that the existing ingress/egress easements are 60' wide and not 66' wide. The current RL-2 road standard was not in effect years ago for ingress/egress easements. The right-of-way width and existing utilities within the easement make it impossible to fit an RL-2 standard road template without acquiring additional right-way from numerous landowners and relocate utilities for a road that has functioned adequately for many years.

D. Public Interest This subdivision does not create any additional parcels or tracts.

E. Spirit and intent of the zoning regulations
The abutting Raasch subdivision, associated roads, and existing ingress/egress easements that have existed for several decades predates and no longer aligns with the current Buffalo County Zoning Regulations.

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 Christie Hirschfeld Signature of Agent Craig A. Bennett

Printed Name 1&2. Benjamin G. & Christie Hirschfeld Printed Name Craig A. Bennett
3&4. Harry W III & Correne E. Whitley

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

Office Use Only
Permit Number 2024-033
Amount 120.00 Receipt # 974977
Floodplain Yes or No 418124 AL
Date Initial

**INSTRUCTIONS TO APPLICANT FOR
BOARD OF ADJUSTMENT
BUFFALO COUNTY**

9.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Zoning Adjustment shall be as follows:

- 9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.
- 9.42 The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT

Any person or person, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the County, may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by Section 23-168.04.

**NOTICE TO APPLICANT
FOR VARIANCES
IN BUFFALO COUNTY NEBRASKA**

Section 9.31 subsection 3 of the Buffalo County Zoning Ordinance requires the applicant to submit the following information which must accompany this appeal before it can be considered by the Board of Adjustment.

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:

- a. The strict application of the regulation would produce undue hardship;
- b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

PROJECT: 3/22/2024, 10:19 AM SWID: 2/27/2024, 4:10 PM

LEGEND

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND
- (5/8" REBAR, UNLESS NOTED)
- = CORNERS ESTABLISHED (5/8" REBAR W/CAP)
- × = TEMPORARY POINT
- (M) = MEASURED DISTANCES
- (D) = DEEDED DISTANCES
- (P) = PLATTED DISTANCES
- (R) = RECORDED DISTANCES
- = SECTION LINE
- = BOUNDARY LINE
- = NEW EASEMENT LINE
- = EXISTING EASEMENT LINE
- = EXISTING LOT LINES
- = BUILDING SETBACK LINE
- P.O.B. = POINT OF BEGINNING

NOTE: Inst. 2001-7007, Inst. 2008-4908 AND DOCUMENT #2021-09345 ARE FILED IN THE BUFFALO COUNTY REGISTER OF DEEDS

PRELIMINARY PLAT
 -AMITY HILLS SUBDIVISION-
 A SUBDIVISION BEING PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA



PARTY CHECK:	CHAD SWENELL, L.S. #12
DRAWN BY:	BRYAN MASSON
DESIGNED BY:	1197-02-014
FILED BY:	1197-02-014
DATE:	11/11/2023
SCALE:	AS SHOWN
PROJECT:	AMITY HILLS SUBDIVISION
DATE:	11/11/2023
BY:	CHAD SWENELL, L.S. #12
FOR:	1111 CENTRAL AVENUE BUFFALO, NE 68104-4923 TEL 308-234-6656 FAX 308-234-1144 WWW.MILLER-ASSOCIATES.COM

SHEET 1 OF 2

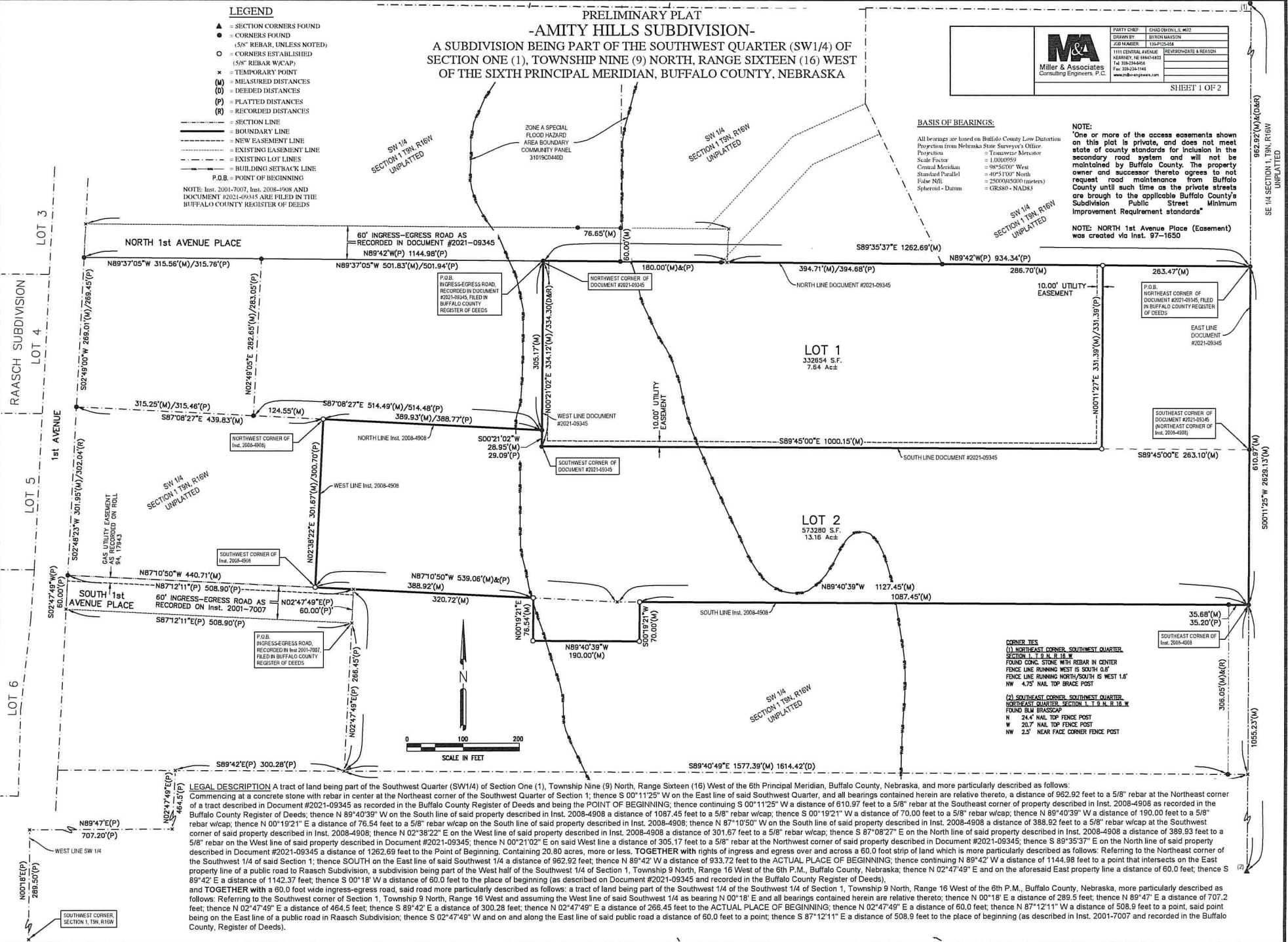
BASIS OF BEARINGS:

- All bearings are based on Buffalo County Low Distortion Projection from Nebraska State Surveyor's Office
- Projection = Transverse Mercator
- Scale Factor = 1.0000059
- Central Meridian = 98°56'00" West
- Standard Parallel = 40°51'00" North
- Fake NGS = 2800045000 (meters)
- Spheroid - Datum = GRS80 - NAD83

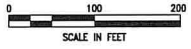
NOTE:

One or more of the access easements shown on this plat is private, and does not meet state of 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 applicable Buffalo County's Subdivision Public Street Minimum Improvement Requirement standards.

NOTE: NORTH 1st Avenue Place (Easement) was created by Inst. 97-1650



LEGAL DESCRIPTION A tract of land being part of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Commencing at a concrete stone with rebar in center at the Northeast corner of the Southwest Quarter of Section 1; thence S 00°11'25" W on the East line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 962.92 feet to a 5/8" rebar at the Northeast corner of a tract described in Document #2021-09345 as recorded in the Buffalo County Register of Deeds and being the POINT OF BEGINNING; thence continuing S 00°11'25" W a distance of 610.97 feet to a 5/8" rebar at the Southeast corner of property described in Inst. 2008-4908 as recorded in the Buffalo County Register of Deeds; thence N 89°40'39" W on the South line of said property described in Inst. 2008-4908 a distance of 1087.45 feet to a 5/8" rebar w/cap; thence S 00°19'21" W a distance of 70.00 feet to a 5/8" rebar w/cap; thence N 00°19'21" W a distance of 76.54 feet to a 5/8" rebar w/cap on the South line of said property described in Inst. 2008-4908; thence N 87°10'50" W on the South line of said property described in Inst. 2008-4908 a distance of 190.00 feet to a 5/8" rebar w/cap at the Southwest corner of said property described in Inst. 2008-4908; thence N 02°38'22" E on the West line of said property described in Inst. 2008-4908 a distance of 301.67 feet to a 5/8" rebar w/cap; thence S 87°08'27" E on the North line of said property described in Inst. 2008-4908 a distance of 389.93 feet to a 5/8" rebar on the West line of said property described in Document #2021-09345; thence N 00°21'02" E on said West line a distance of 305.17 feet to a 5/8" rebar at the Northwest corner of said property described in Document #2021-09345; thence S 89°35'37" E on the North line of said property described in Document #2021-09345 a distance of 1262.69 feet to the Point of Beginning. Containing 20.80 acres, more or less. TOGETHER with 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 1/4 of said Section 1; thence SOUTH on the East line of said Southwest 1/4 a distance of 962.92 feet; thence N 89°42' W a distance of 933.72 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W a distance of 1144.98 feet to a point that intersects on the East property line of a public road to Raasch Subdivision, a subdivision being part of the West half of the Southwest 1/4 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 property line a distance of 60.0 feet; thence S 89°42' E a distance of 1142.37 feet; thence S 00°18' W a distance of 60.0 feet to the place of beginning (as described on Document #2021-09345 and recorded in the Buffalo County Register of Deeds); and TOGETHER with a 60.0 foot wide ingress-egress road, said road more particularly described as follows: a tract of land being part of the Southwest 1/4 of the Southwest 1/4 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 Southwest corner of Section 1, Township 9 North, Range 16 West and assuming the West line of said Southwest 1/4 as bearing N 00°18' E and all bearings contained herein are relative thereto; thence N 00°18' E a distance of 289.5 feet; thence N 89°47' E a distance of 707.2 feet; thence N 02°47'49" E a distance of 464.5 feet; thence S 89°42' E a distance of 300.28 feet; thence N 02°47'49" E a distance of 265.45 feet to the ACTUAL PLACE OF BEGINNING; thence N 02°47'49" E a distance of 60.0 feet; thence N 87°12'11" W a distance of 508.9 feet to a point, said point being on the East line of a public road in Raasch Subdivision; thence S 02°47'49" W and on and along the East line of said public road a distance of 60.0 feet to a point; thence S 87°12'11" E a distance of 508.9 feet to the place of beginning (as described in Inst. 2001-7007 and recorded in the Buffalo County Register of Deeds).



962.92'(M)&(D)&(R)
 SE 1/4 SECTION 1, T8N, R16W UNPLATTED
 610.97'(M)
 5001125" W 2628.13'(M)
 1085.23'(M)

**Certification
of Board of
Adjustment
Meeting
Minutes**

May 16, 2024

**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 16th day of May, 2024. This should be indexed against the following properties, acquired by the corresponding property owners:

A tract of land, owned by Benjamin G. Hirschfeld and Christie Hirschfeld, found in Inst. 2001-7007;

A tract of land, owned by Benjamin G. Hirschfeld, found in Inst. 2008-4908;

A tract of land, owned by Harry W. Whitley, III and Correne E. Whitley, found in Inst 2021-09345.

Chairperson Pemberton-Riege opened the public hearing at 4:03 P.M. for a Zoning Variance, received from Craig Bennett, of Miller and Associates Consulting Engineers, P.C., on behalf of Benjamin G. Hirschfeld and Christie Hirschfeld and Harry W. Whitley III and Correne E. Whitley, 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, Section 4.03, requiring all roads ending in a cul-de-sacs be less than 600 feet in length, Section 4.11, regarding minimum requirements for road design, Section 4.12 (A), requiring all subdivisions have access via dedicated public streets or roads, Section 4.12 (B), which require a minimum street width of sixty-six feet, and Section 5.01, which require all subdivisions be graded to the standards as set out in Chapter 4, for land situated on the following described tract:

A tract of land being part of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Commencing at a concrete stone with rebar in center at the Northeast Corner of the Southwest Quarter of Section 1; thence S 00°11'25" W on the East line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 962.92 feet to a 5/8" rebar at the Northeast corner of a tract described in Document #2021-09345 as recorded in the Buffalo County Register of Deeds and being the POINT OF BEGINNING; thence continuing S 00°11'25" W a distance of 610.97 feet to a 5/8" rebar at the Southeast corner of property described in Inst. 2008-4908 as recorded in the Buffalo County Register of Deeds; thence N 89°40'39" W on the South line of said property described in Inst. 2008-4908 a distance of 1087.45 feet to a 5/8" rebar w/cap; thence S 00°19'21" W a distance of 70.00 feet to a 5/8" rebar w/cap; thence N 89°40'39" W a distance of 190.00 feet to a 5/8" rebar w/cap; thence N 00°19'21" E a distance of 76.54 feet to a 5/8" rebar w/cap on the South line of said property described in Inst. 2008-4908; thence N 87°10'50" W on the South line of said property described in Inst. 2008-4908 a distance of 388.92 feet to a 5/8" rebar w/cap at the Southwest corner of said property described in Inst. 2008-4908; thence N 02°38'22" E on the

West line of said property described in Inst 2008-4908 a distance of 301.67 feet to a 5/8" rebar w/cap; thence S 87°08'27" E on the North line of said property described in Inst. 2008-4908 a distance of 389.93 feet to a 5/8" rebar on the West line of said property described in Document #2021-09345; thence N 00°21'02" E on said West line a distance of 305.17 feet to a 5/8" rebar at the Northwest corner of said property described in Document #2021-09345; thence S 89°35'37" E on the North line of said property described in Document #2021-09345 a distance of 1262.69 feet to the Point of Beginning. Containing 20.80 acres, more or less. TOGETHER WITH 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 ¼ of said Section 1; thence SOUTH on the East line of said Southwest ¼ a distance of 962.92 feet; thence N 89°42' W a distance of 933.72 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°42' W a distance of 1144.98 feet to a point that intersects on the East property line of a public road to 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 property line a distance of 60.0 feet; thence S 89°42' E a distance of 1142.37 feet; thence S 00°18' W a distance of 60.0 feet to the place of beginning (as described on Document #2021-09345 and recorded in the Buffalo County Register of Deeds), AND TOGETHER WITH a 60.0 foot wide ingress-egress road, said road more particularly described as follows: a tract of land being part of the Southwest ¼ of the Southwest ¼ 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 Southwest Corner of the Section 1, Township 9 North, Range 16 West and assuming the West line of said Southwest ¼ as bearing N 00°18' E and all bearings contained herein are relative thereto; thence N 00°18' E a distance of 289.5 feet; thence N 89°47' E a distance of 707.2 feet; thence N 02°47'49" E a distance of 464.5 feet; thence S 89°42' E a distance of 300.28 feet; thence N 02°47'49" E a distance of 266.45 feet to THE ACTUAL PLACE OF BEGINNING; thence N 02°47'49" E a distance of 60.00 feet; thence N 87°12'11" W a distance of 508.9 feet to a point, said point being on the East line of a public road in Raasch Subdivision; thence S 02°47'49" W and on and along the East line of said public road a distance of 60.0 feet to a point; thence S 87°12'11" E a distance of 508.9 feet to the place of beginning (as described in Inst. 2001-7007 and recorded in the Buffalo County Register of Deeds).

Craig Bennett, of Miller and Associates Consulting Engineers, P.C. of 1111 Central Avenue, Kearney, Nebraska, stepped to the table, on behalf of Benjamin G. Hirschfeld and Christie Hirschfeld and Harry W. Whitley III and Correne E. Whitley. Mr. Bennett explained that the two subject tracts are accessed by two sixty-foot-wide easements. He stated that the Whitleys own a nine-acre parcel and Hirschfelds own two parcels that, collectively, are more than ten acres.

Mr. Bennett added that the Hirschfelds intend to purchase a small tract from the Whitleys and want to add that small tract to the already existing Hirschfeld tract. The Whitleys' land, he continued, will, then, reduce to seven acres. He added that state statute requires a minimum ten-acre tract, that does not require a subdivision. The Hirschfelds' land, he continued, which exceeds the ten-acre minimum will not be subdivided, as it will be compliant with state statute. He stated that the Whitley tract, at just over seven acres, will remain in compliance with the minimum lot size as required under Buffalo County Subdivision Regulations.

Mr. Bennett explained that the two subject tracts are accessed only by a sixty-foot easement. The issue, he continued, is that the roads do not meet the minimum criteria to subdivide a tract of land, which requires access to a sixty-six-foot road/street. He added that the applicants do not intend to add additional residences or lots. However, he added, in order to add the two-acre tract to the Hirschfelds, then Buffalo County Subdivision Regulations require the platting process take place.

Mr. Bennett stated this variance is similar to Board of Adjustment Variance for the tract to the north. He said that he has gone through the denial process with The Buffalo County Board of Commissioners and is, now, at the process of requesting a variance through the Board of Adjustment.

Mr. Bennett clarified that the applicants do not intend to increase density, but the platting process requires a lot creation in order to complete the lot line movement.

Mr. Bennett, using the projected Buffalo County GIS site of the subject area, explained the locations of the Hirschfeld and Whitley tracts. He referenced the information as contained in the Buffalo County Board of Adjustment packet, which was prepared by the Buffalo County Zoning Administrator, and added that the intent of the applicants is fully comprehensible.

Mr. Bennett, also, reviewed the easements, tracts and residences that are, currently, accessed via the sixty-foot easements. He explained that the two easements are private roads and do not meet the required (RL2) Buffalo County Minimum Road Standards.

Mr. Bennett explained the variance would be needed in order to split a tract of land.

Deputy County Attorney Hoffmeister counselled that there is a small notch on the southern border of the proposed lot. Mr. Bennett explained that the Hirschfeld wanted to ensure that the building, which is, currently, divided by the lot lines, would be included in one tract.

Deputy County Attorney Hoffmeister asked if the applicants intended to place a residence on proposed Lot 2. Mr. Bennett answered the applicants do not anticipate placing a residence on that tract. Mr. Bennett explained the Whitleys want to sell two acres to the Hirschfelds.

Deputy County Attorney Hoffmeister inquired the purpose of the structures and Mr. Bennett responded that he believed those structures were used for the storage of farm equipment.

Deputy County Attorney Hoffmeister addressed the board. He counselled that this particular process was the only way for the applicants to move a lot line for unplatted land. He added that there may be another tract, to the north, that may require another variance to avoid economic hardship.

The land, Deputy County Attorney Hoffmeister explained, has no other use other than residential. He added these lands are unique in that that they were created prior to zoning and they are accessed only by easements.

Vice-Chairperson Pierce asked if the two easements were maintained by the county and Deputy County Attorney Hoffmeister stated they are not.

Mr. Bennett asked if The Board had any questions.

Mr. Hardesty inquired if granting the variance could create issues for the surrounding properties and Deputy County Attorney Hoffmeister advised that the applicants intend to move a lot line and it could not be done without the relaxation. He added, that the relaxation would not create detriment to the surrounding properties because the applicants do not wish to increase density or road traffic.

Mr. Hardesty inquired if future owners could construct a residence on Lot 2, and Deputy County Attorney Hoffmeister responded that another variance would need be sought.

Mr. Vest asked what the process would be to add more than two houses in the subject area and Deputy County Attorney Hoffmeister answered the applicants would need to seek a new variance.

Deputy County Attorney Hoffmeister, referencing the projected image of the subject area, reviewed the history and the future economic planning, to avoid complete disarray of the neighborhood.

Some ownerships, along the easements, were reviewed by The Board.

Vice-Chairperson Pierce inquired if those easements could, potentially, become county-maintained roads and Deputy County Attorney Hoffmeister explained that it would be extremely cost-prohibitive and difficult because the lots, that abut that easement, are all nonconforming lots.

Chairperson Pemberton-Riege asked how the acreages were determined and Mr. Bennett answered that the proposed lots were surveyed. He explained where the proposed plats were located in the Buffalo County Board of Adjustment Packet.

Chairperson Pemberton-Riege inquired if setbacks were considered and Mr. Bennett explained that a ten-foot setback were added on to the plat.

Mr. Bennett, also, explained that, on behalf of the applicants, a 10-foot utility easement around Lot 1 for future use, has been added.

Chairperson Pemberton-Riege inquired if other board members had questions. No one spoke.

Chairperson Pemberton-Riege closed the public hearing at 4:33 P.M.

A motion was made by Mr. Hardesty, seconded by Mr. White, to approve the requests 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, Section 4.03, requiring all roads ending in a cul-de-sacs be less than 600 feet in length, Section 4.11, regarding minimum requirements for road design, Section 4.12 (A), requiring all subdivisions have access via dedicated public streets or roads, Section 4.12 (B), which require a minimum street width of sixty-six feet, and Section 5.01, which require all subdivisions be graded to the standards as set out in Chapter 4, for land situated in part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

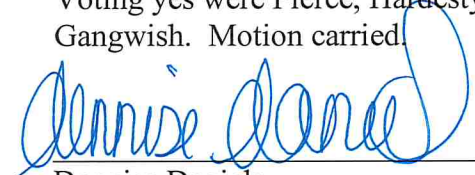
This Board finds that there was an undue hardship for land that may be devalued due to a nonconforming lot, which is accessed by nonconforming accesses based on the inability for the use of economic development potential.

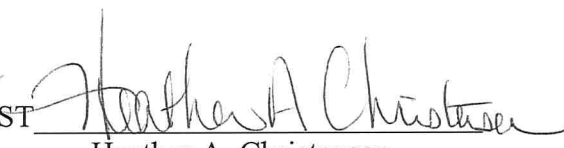
This Board finds that this particular issue is not generally shared by the other properties in the same zoning district and the same vicinity.

This Board finds that the authorization of the variance will not be of substantial detriment to the adjacent properties and character of the district will not be changed by the granting of the variance.


This Board finds that the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. Deputy County Attorney Hoffmeister explained the applicants have, in good spirit, made every attempt to correct any nonconformities to allow for the lot creation.

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


Dennise Daniels
Buffalo County Zoning Administrator

ATTEST 
Heather A. Christensen
Buffalo County Clerk



Date: 6/25/2024


Preliminary

Plat

Resolution

2024-35

RESOLUTION 2024-35

WHEREAS, on, or around, February 27, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for “Amity Hills Subdivision”, filed by Craig Bennett, of Miller and Associates Consulting Engineers, P.C., for a tract of land being part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-015, in the Buffalo County Zoning Records.

WHEREAS, on, or around March 26, 2024, during the regular meeting of the Buffalo County Board of Commissioners, The Buffalo County Zoning Administrator, denied the Application for Preliminary Plat, known as “Amity Hills Subdivision” because the subdivision, as proposed, was noncompliant under zoning and subdivisions, then, in effect. Thereafter the Board, by simple majority, voted in favor of The Buffalo County Zoning Administrator’s recommendation of denial, and

WHEREAS, on May 16, 2024, at the request of the applicant for subdivision, the Buffalo County Board of Adjustment, considered, and approved, the following requests for relaxation:

1. Relaxation of Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road;
2. Relaxation of Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street;
3. Relaxation of Buffalo County Subdivision Regulations, Section 2.35, defining a street;
4. Relaxation of Buffalo County Subdivision Regulations, Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road;
5. Relaxation of Buffalo County Subdivision Regulations, Section 4.03, requiring all roads ending in a cul-de-sacs be less than 600 feet in length;
6. Relaxation of Buffalo County Subdivision Regulations, Section 4.11, regarding minimum requirements for road design;
7. Relaxation of Buffalo County Subdivision Regulations, Section 4.12 (A), requiring all subdivisions have access via dedicated public streets or roads;
8. Relaxation of Buffalo County Subdivision Regulations, Section 4.12 (B), which require a minimum street width of sixty-six feet; and
9. Relaxation of Buffalo County Subdivision Regulations, Section 5.01, which require all subdivisions be graded to the standards as set out in Chapter 4; and
10. Relaxation of Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”.

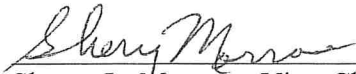
WHEREAS, on July 18, 2024, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation to the proposed subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and

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 Amity Hills Subdivision, a subdivision located in part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

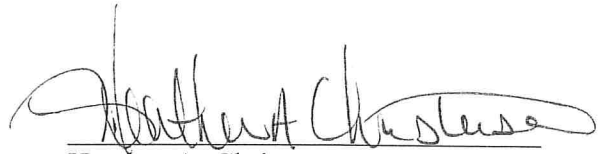
FURTHER RESOLVED that this resolution is not an approval of a Final Plat and a copy is not to be filed against the foregoing real estate until the Final Plat is approved.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2024.

ATTEST:

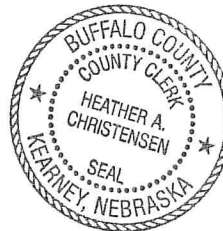


Sherry L. Morrow, Vice-Chairperson
Buffalo County Board of Commissioners



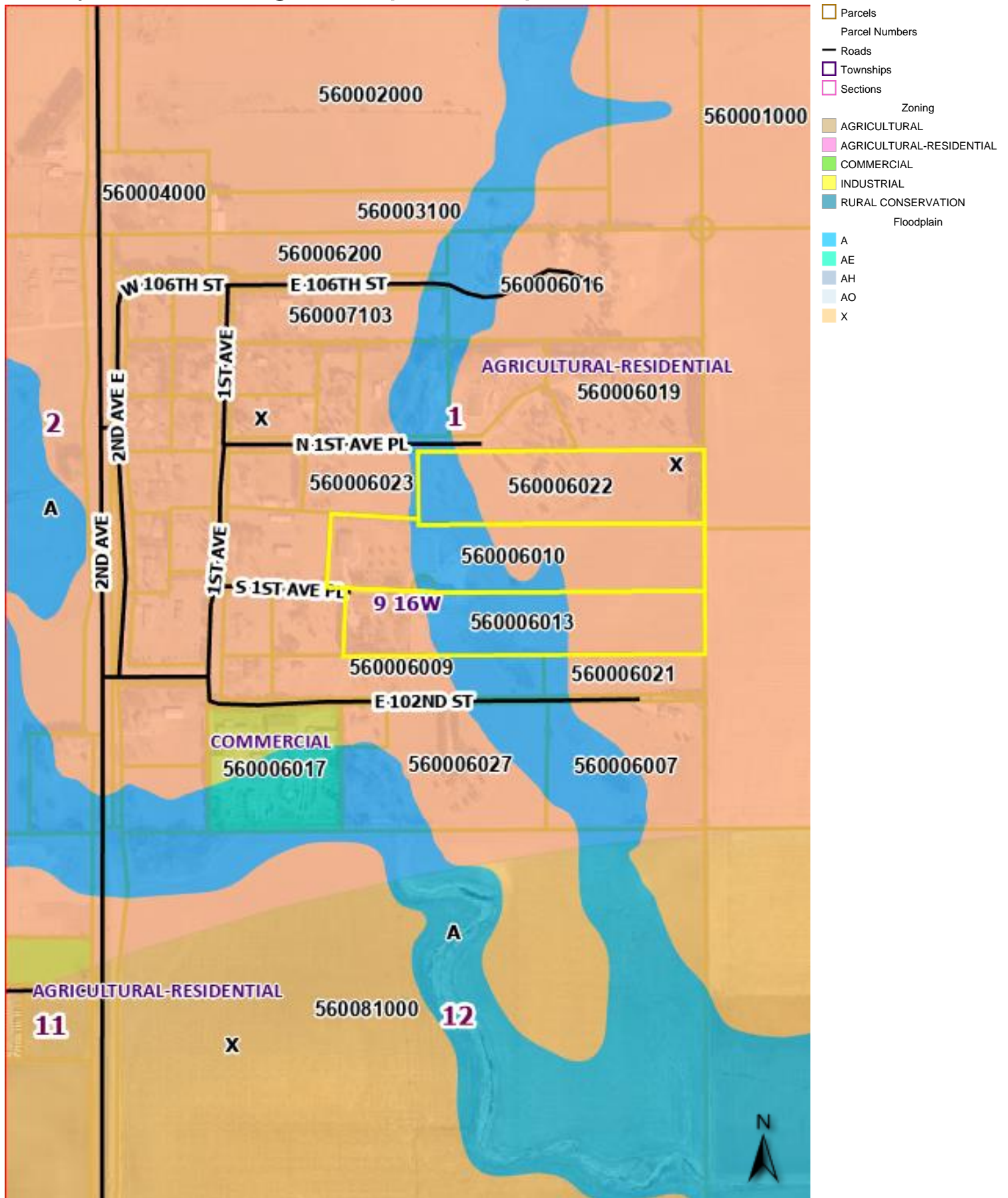
Heather A. Christensen
Buffalo County Clerk

(SEAL)



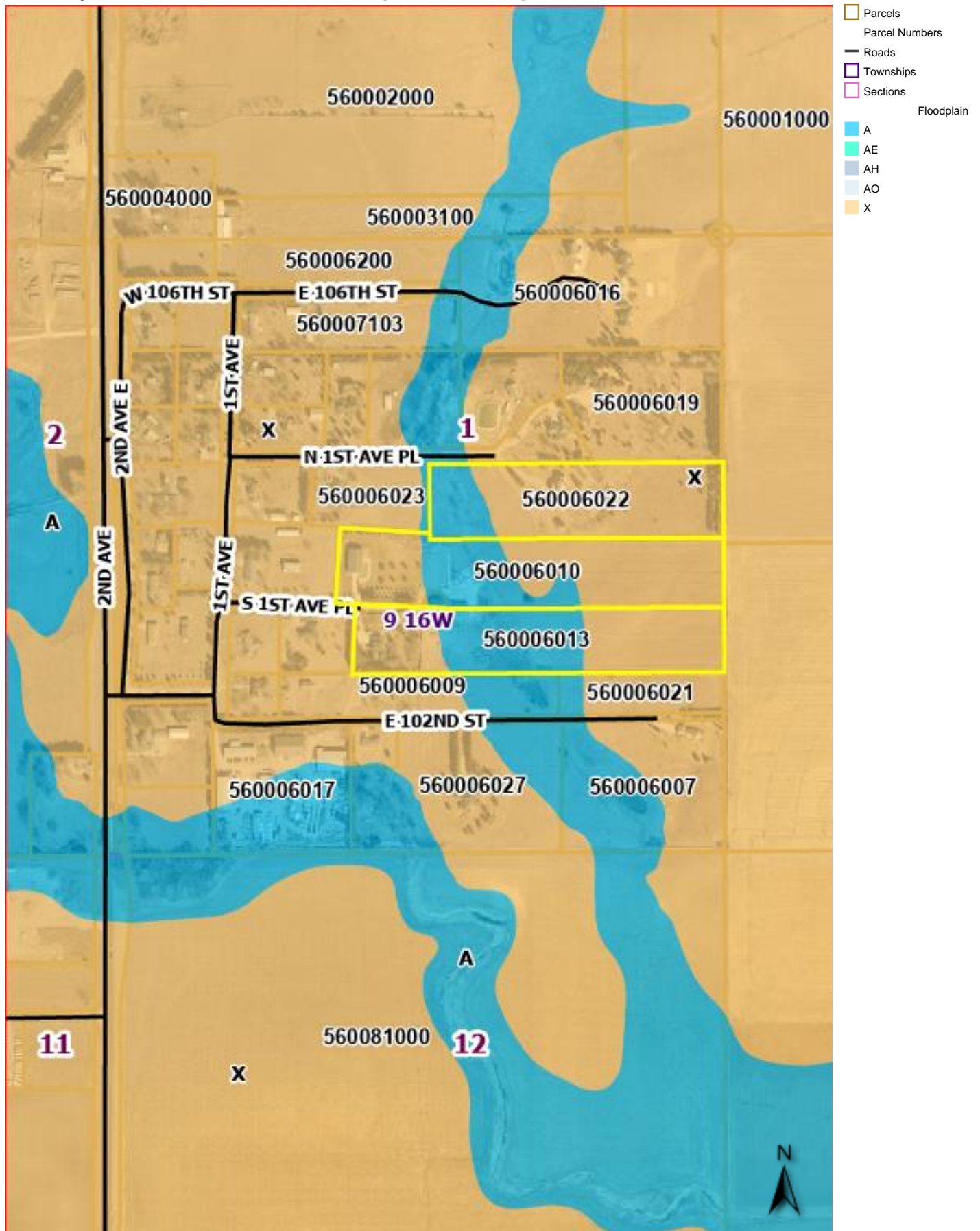
Amity Hills Zoning/Floodplain Map

Created by: null



Amity Hills Aerial/Floodplain Map

Created by: null



Zoning Agenda

Item #2

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
COMMUNITY ACKNOWLEDGMENT FORM

O.M.B. NO. 1660-0015
 Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.38 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). NOTE: Do not send your completed form to this address.

This form must be completed for requests involving the existing or proposed placement of fill (complete Section A) **OR** to provide acknowledgment of this request to remove a property from the SFHA which was previously located within the regulatory floodway (complete Section B).

This form must be completed and signed by the official responsible for floodplain management in the community. **The six digit NFIP community number and the subject property address must appear in the spaces provided below. Incomplete submissions will result in processing delays.** Please refer to the MT-1 instructions for additional information about this form.

Community Number: 310419 Property Name or Address: 4 Lakeside Drive, Shelton, NE 68876 (PID 700147605)

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document Endangered Species Act (ESA) compliance to FEMA prior to issuance of the Conditional LOMR-F determination. For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.

Community Comments:

Community Official's Name and Title: <i>(Please Print or Type)</i> Ivan H. Klein, Chairman, Buffalo County Board of Commissioners	Telephone No.: (308) 236-1224
--	----------------------------------

Community Name: Buffalo County	Community Official's Signature: (required)	Date: 9/24/2024
--	--	--------------------

B. PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to DHS-FEMA to determine if this property has been inadvertently included in the regulatory floodway. We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

Community Comments:

Community Official's Name and Title: <i>(Please Print or Type)</i>	Telephone No.:
--	----------------

Community Name:	Community Official's Signature (required):	Date:
-----------------	--	-------

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
ELEVATION FORM

O.M.B. NO. 1660-0015
 Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.25 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). **NOTE: Do not send your completed form to this address.**

This form must be completed for requests and must be completed and signed by a registered professional engineer or licensed land surveyor. **A DHS - FEMA National Flood Insurance Program (NFIP) Elevation Certificate may be submitted in lieu of this form for single structure requests.**

For requests to remove a structure on natural grade OR on engineered fill from the Special Flood Hazard Area (SFHA), submit the lowest adjacent grade (the lowest ground touching the structure), **including an attached deck or garage**. For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description. All measurements are to be rounded to nearest tenth of a foot. In order to process your request, all information on this form must be completed **in its entirety**. **Incomplete submissions will result in processing delays.**

- NFIP Community Number: 310419 Property Name or Address: 4 Lakeside Drive, Shelton, NE 68876 (PID: 700147605)
- Are the elevations listed below based on existing or proposed conditions? (Check one)
- For the existing or proposed structures listed below, what are the types of construction? (check all that apply)
 crawl space slab on grade basement/enclosure other (explain) **Single Family Residential Structure**
- Has DHS - FEMA identified this area as subject to land subsidence or uplift? (see instructions) Yes No
 If yes, what is the date of the current re-leveling? / (month/year)
- What is the elevation datum? NGVD 29 NAVD 88 Other (explain)
 If any of the elevations listed below were computed using a datum different than the datum used for the effective Flood Insurance Rate Map (FIRM) (e.g., NGVD 29 or NAVD 88), what was the conversion factor?
 Local Elevation +/- ft. = FIRM Datum
- Please provide the Latitude and Longitude of the most upstream edge of the **structure** (in decimal degrees to the nearest fifth decimal place):
 Indicate Datum: WGS84 NAD83 NAD27 Lat. 40.73725° Long. -098.73864°
 Please provide the Latitude and Longitude of the most upstream edge of the **property** (in decimal degrees to the nearest fifth decimal place):
 Indicate Datum: WGS84 NAD83 NAD27 Lat. Long.

Address	Lot Number	Block Number	Lowest Lot Elevation*	Lowest Adjacent Grade To Structure	Base Flood Elevation	BFE Source
4 Lakeside Drive, Shelton, NE 67776	11	1		2018.83'	2014	Nebr. Dept. of Natural Resources

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: Mitchell W. Humphrey	License No.: Nebr. Reg. Land Surveyor No. 492	Expiration Date: 04/01/2025
Company Name: Buffalo Surveying Corp.	Telephone No.: 308-237-3785	
Email: Mitch@BuffaloSurveying.com	Fax No.: 308-236-7800	
Signature: <i>[Handwritten Signature]</i>	Date: 08/28/2024	

* For requests involving a portion of property, include the lowest ground elevation within the metes and bounds description.
 Please note: If the Lowest Adjacent Grade to Structure is the only elevation provided, a determination will be issued for the structure only.

2022-01678

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 03/18/2022 10:43:31 AM
DEED CORP WARRANTY
REC FEE: 16.00
PAGES: 2
PD: 184.75 ESCROW:
CK: ACH SIMPLIFILE
REC'D:SIMPLIFILE
SUB:NE TITLE COMPANY

NEBRASKA DOCUMENTARY STAMP TAX
DOC TAX: 168.75
EXEMPTION:
RECORDED ON: 03/18/2022
AUTHORIZED BY: ARJ

PROPERTY OF BUFFALO COUNTY, NE

**CORPORATE WARRANTY DEED
JOINT TENANCY**

Bruners' Sand and Gravel, Inc., a Nebraska Corporation, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from Tami Jo Krull and Steven Roger Krull, a married couple, GRANTEES hereby conveys to GRANTEES as joint tenants with right of survivorship and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

Lot 11, Block 1, Bruner Lakeside Estates Second, a subdivision being part of Government Lot 1, part of Government Lot 2, and part of accretion lands deriving from and adjacent to Government Lot 1 and Government Lot 2 located in Section 24, Township 9 North, Range 13 West of the 6th P.M., Buffalo County, Nebraska.

GRANTOR covenants with GRANTEES that GRANTOR:

- (1) is lawfully seised of such real estate and that it is free from encumbrances, except encumbrances, liens, easements and restrictions of record;
- (2) have legal power and lawful authority to convey the same; and
- (3) warrant and will defend title to the real estate against the lawful claims of all persons.

Dated 3-18-2022

NTK0008474

Page 1 of 2
Please Return recorded document to:
Nebraska Title Company
208 W. 29th Street, Suite B
Kearney, NE 68845

PROPERTY OF BUFFALO COUNTY

Bruners' Sand and Gravel, Inc., a Nebraska Corporation

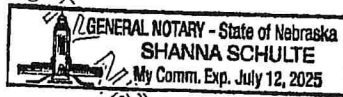
James Bruner
By James Bruner, President

State of Nebraska

County of Buffalo

The foregoing instrument was acknowledged before me this 18th day of March, 2022, by James Bruner, President of Bruners' Sand and Gravel, Inc., a Nebraska Corporation, on behalf of the corporation.

Shanna Schulte
Notary Public

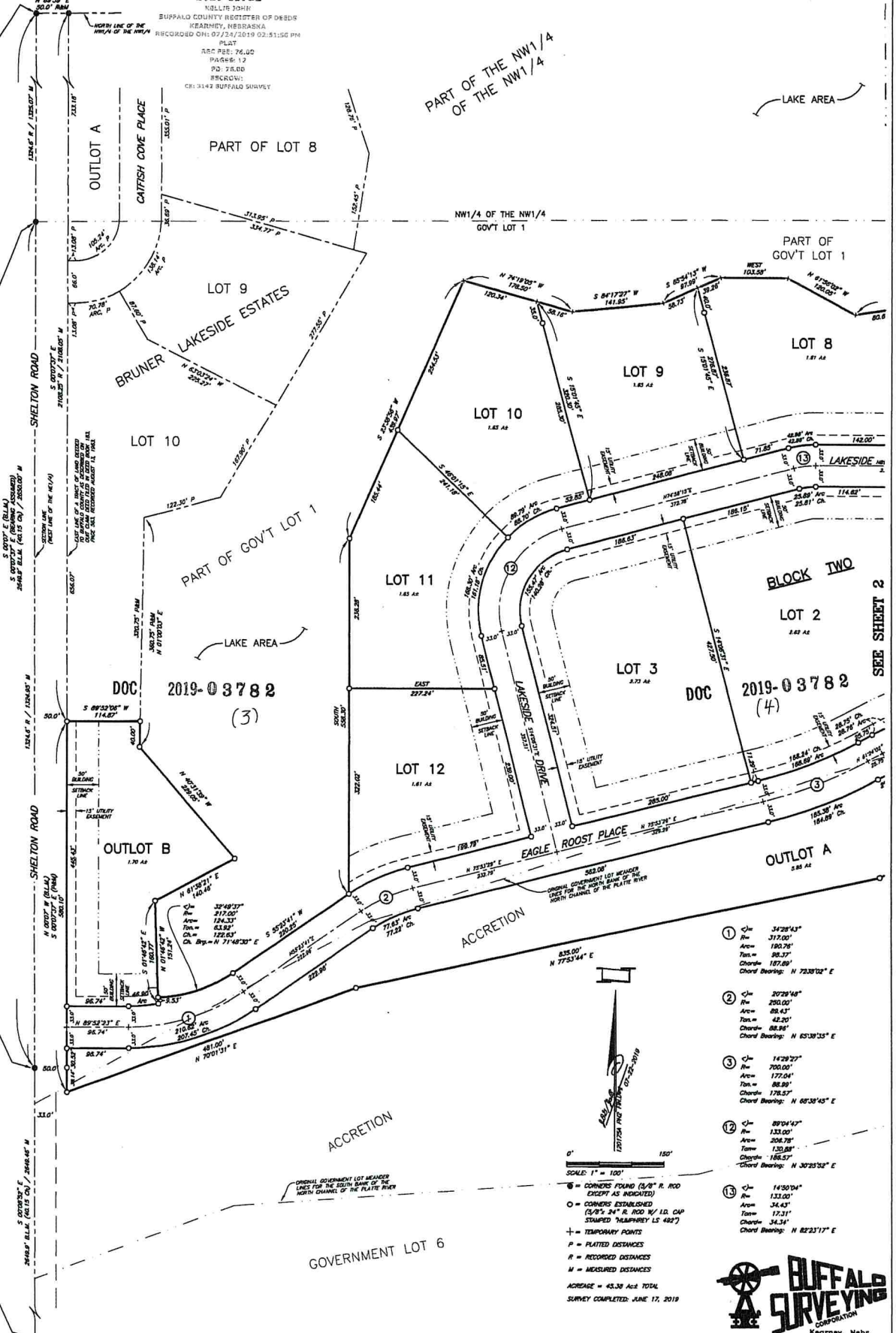
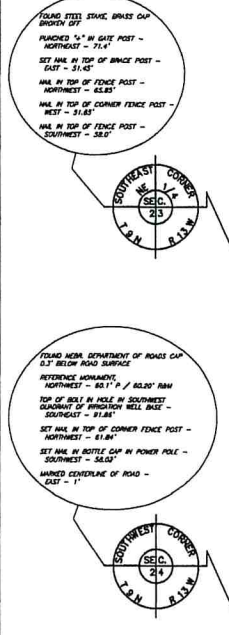
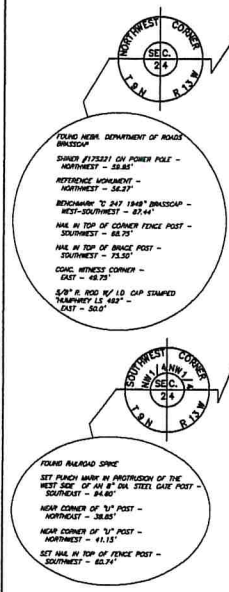


NTK0008474

BRUNER LAKESIDE ESTATES SECOND

A SUBDIVISION BEING PART OF GOVERNMENT LOT 1, PART OF GOVERNMENT LOT 2, AND PART OF ACCRETION LANDS DERIVING FROM AND ADJACENT TO GOVERNMENT LOT 1 AND GOVERNMENT LOT 2 LOCATED IN SECTION 24, TOWNSHIP 9 NORTH, RANGE 13 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA

2019-03782
KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNY, NEBRASKA
RECORDED ON: 02/24/2019 02:51:50 PM
PLAT
SBC PEE: 76.00
PAGE# 1-2
PD: 76.00
REGROW:
CR: 3142 BUFFALO SURVEY



①	Chord = 3126'43"	Area = 180.76'	Chord Bearing = N 72.30'12" E
②	Chord = 2029'48"	Area = 42.20'	Chord Bearing = N 63.30'35" E
③	Chord = 1429'27"	Area = 177.04'	Chord Bearing = N 63.30'45" E
④	Chord = 892'47"	Area = 206.78'	Chord Bearing = N 30.25'32" E
⑤	Chord = 1430'04"	Area = 34.43'	Chord Bearing = N 82.33'17" E

SCALE: 1" = 100'

CONCRETS FOUND (5/8" R. ROD EXCEPT AS INDICATED)
CORNERS ESTABLISHED (5/8" 24" R. ROD W/ I.D. CAP STAMPED 'KEMPHREY LS 492')

TEMPORARY POINTS
P = PLATTED DISTANCES
R = RECORDED DISTANCES
M = MEASURED DISTANCES

ACREAGE = 43.38 AC. TOTAL
SURVEY COMPLETED: JUNE 17, 2019



BRUNER LAKESIDE ESTATES SECOND

A SUBDIVISION BEING PART OF GOVERNMENT LOT 1, PART OF GOVERNMENT LOT 2, AND PART OF ACCRETION LANDS DERIVING FROM AND ADJACENT TO GOVERNMENT LOT 1 AND GOVERNMENT LOT 2 LOCATED IN SECTION 24, TOWNSHIP 9 NORTH, RANGE 13 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA

LEGAL DESCRIPTION

A tract of land being part of Government Lot One (1), part of Government Lot Two (2), and part of accretion lands deriving from and adjacent to Government Lot One (1) and Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northwest Quarter of Section 24 and assuming the West line of the Northwest Quarter of the Northwest Quarter and the West line of Government Lot 1 located in Section 24 as bearing S 00°07'37"E and all bearings contained herein are relative thereto; thence N 89°39' E on the North line of the Northwest Quarter of the Northwest Quarter of said Section 24 a distance of 50.0 feet to the Northeast Corner of a tract of land deeded to Buffalo County as described on Quit Claim Deed filed in Deed Book 183, Page 563, recorded August 13, 1963 in the Office of the Buffalo County Register of Deeds; thence on the East line of said tract of land deeded to Buffalo County, S 00°07'37" E a distance of 2108.05 feet to the ACTUAL PLACE OF BEGINNING said point also being the Southwest Corner of Lot Ten (10), Bruner Lakeside Estates a subdivision being part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), part of Government Lot One (1) and part of Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence continuing on the East line of said Government Lot 1, if extended, S 00°07'37" E a distance of 580.10 feet; thence leaving the East line of said tract of land deeded to Buffalo County, if extended, N 70°01'31" E a distance of 481.00 feet; thence N 77°53'44" E a distance of 835.00 feet; thence N 61°53'44" E a distance of 496.68 feet; thence N 66°34'40" E a distance of 58.22 feet; thence N 66°53'31" E a distance of 113.33 feet; thence N 61°23'39" E a distance of 311.45 feet; thence N 40°49'52" E a distance of 591.24 feet; thence N 44°02'31" E a distance of 99.52 feet to a point on the East line of the West Half (W1/2) of said Section 24; thence on the East line of the West Half of said Section 24, N 00°02'06" W a distance of 811.20 feet to a point on the Southerly line of a tract of land deeded to Bruner Lakeside Estates Homeowners' Association as described on Quit Claim Deed filed at Inst. 2016-02584, recorded May 6, 2016 in the Office of the Buffalo County Register of Deeds; thence leaving the East line of the West Half of said Section 24 and on the Southerly line of said tract of land described on Quit Claim Deed filed at Inst. 2016-02584, N 71°10'05" W a distance of 65.00 feet; thence continuing on the southerly line of said tract of land described on Quit Claim Deed filed at Inst. 2016-02584 the following courses and distances respectively: thence S 64°06'45" W a distance of 281.69 feet; thence S 03°46'45" E a distance of 130.65 feet; thence S 38°19'46" W a distance of 553.43 feet; thence S 01°02'55" E a distance of 259.65 feet; thence S 86°09'18" W a distance of 280.77 feet; thence N 72°42'43" W a distance of 261.34 feet; thence S 80°51'43" W a distance of 191.77 feet; thence N 61°56'02" W a distance of 120.05 feet; thence WEST a distance of 103.58 feet; thence S 65°54'13" W a distance of 97.99 feet; thence S 84°17'27" W a distance of 141.95 feet; thence N 74°19'05" W a distance of 178.50 feet; thence S 23°38'56" W a distance of 439.97 feet; thence SOUTH a distance of 558.30 feet; thence S 55°23'41" W a distance of 220.25 feet to a point of curvature; thence on a 217.00 foot radius curve to the right forming a central angle of 32°49'37" an arc distance of 124.33 feet; thence leaving said curve, non-tangent, N 01°46'42" W a distance of 151.24 feet; thence N 61°38'21" E a distance of 140.46 feet; thence N 40°31'39" W a distance of 229.05 feet to a point on the East line of Lot 10, Bruner Lakeside Estates, if extended; thence on the East line of said Lot 10, Bruner Lakeside Estates, if extended, N 01°00'03" E a distance of 40.00 feet to the Southeast Corner of said Lot 10; thence leaving the southerly line of said tract of land described on Quit Claim Deed filed at Inst. 2016-02584 and on the South line of said Lot 10, S 89°52'06" W a distance of 114.87 feet to the place of beginning. Containing 45.38 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Mitchell W. Humphrey, President of Buffalo Surveying Corporation, do hereby certify that Buffalo Surveying Corporation surveyed "BRUNER LAKESIDE ESTATES SECOND", a subdivision being part of Government Lot One (1), part of Government Lot Two (2), and part of accretion lands deriving from and adjacent to Government Lot One (1) and Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) 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, the lots bear their own number, and that said survey was made with reference to known and recorded monuments.



BUFFALO SURVEYING CORPORATION
Mitchell W. Humphrey, President
Nebr. Reg. L.S. No. 492

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Bruners' Sand and Gravel, Inc., a Nebraska corporation, by and through its President, James R. Bruner being the sole owner of the land described hereon have caused the same to be surveyed, subdivided, platted and designated as "BRUNER LAKESIDE ESTATES SECOND", a subdivision being part of Government Lot One (1), part of Government Lot Two (2), and part of accretion lands deriving from and adjacent to Government Lot One (1) and Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said owner hereby ratify and approves the disposition of their property as shown on the above plat, and hereby dedicate: (1) the private streets (Eagle Roost Place and Lakeside Drive) for the use and benefit of the lot owners, their guests and invitees for ingress and egress, (2) "Outlot A" to be used and maintained as a green space for the benefit of the association of lot owners, and (3) the public 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 24th day of July, 2019.

BRUNERS' SAND AND GRAVEL INC.,
a Nebraska corporation
by and through its President, James R. Bruner

James R. Bruner, President

ACKNOWLEDGMENTS

STATE OF NEBRASKA
COUNTY OF BUFFALO

The foregoing instrument was acknowledged before me this 24 day of July, 2019, by BRUNERS' SAND AND GRAVEL INC., a Nebraska corporation, by and through its President, James R. Bruner.

GENERAL NOTARY - State of Nebraska
LINDA A. JOHNSON
My Comm. Exp. November 24, 2021

Linda A. Johnson, Notary Public

My commission expires 11-24-2021

DOC 2019-03782

DOC 2019-03782

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 24th day of July 2019, 2019.

(SEAL)



Jed A. Sidwell, Treasurer for Buffalo County, Nebraska

RESOLUTION NO. 2019-26

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF BUFFALO COUNTY, NEBRASKA in regular session with a quorum present, that the plat of "BRUNER LAKESIDE ESTATES SECOND", a subdivision being part of Government Lot One (1), part of Government Lot Two (2), and part of accretion lands deriving from and adjacent to Government Lot One (1) and Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by Klein and Second by Morrow that the foregoing resolution be adopted. Said Motion carried on 7-0 vote(s).

STATE OF NEBRASKA
COUNTY OF BUFFALO

I, Janice I Giffin, County Clerk, in and for said county, being duly elected and 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 this 23rd day of July, 2019.

(S E A L)



Janice I Giffin, County Clerk



**BUILDING RESTRICTION AGREEMENT TO ASSURE STRUCTURES
AND IMPROVEMENTS AND USES ARE REASONABLY SAFE FROM FLOODING**

THIS BUILDING RESTRICTION AGREEMENT to ensure that Structures are Reasonably Safe from Flooding is entered into on the 24th day of September, 2024, between Tami Jo Krull and Steven Roger Krull, hereinafter referred to as “Owner” whether one or more, and Buffalo County, Nebraska, hereinafter simply referred to as “County”.

RECITALS:

Owner is the owner of the following described real estate:

Lot 11, Block 1, Bruner Lakeside Estates Second, a subdivision being part of Government Lot 1, part of Government Lot 2, and part of accretion lands deriving from and adjacent to Government Lot 1 and Government Lot 2, located in Section 24, Township 9 North, Range 13 West of the 6th P.M., Buffalo County, Nebraska.

Hereinafter referred to as “Property”. The base elevation of the Property is 2014 NAVD 1988.

II.

The Property is located in an area shown on the Flood Insurance Rate Map (FIRM) for Buffalo County issued by the Federal Emergency Management Agency (FEMA) as a special flood Hazard area (SFHA), and is in a floodplain subject to Buffalo County Floodplain Resolution.

III.

Buffalo County’s Floodplain Regulation provides in part:

“**SECTION 6** –The Floodplain Management Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 11 of this Resolution) will:

A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State, or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards are met or otherwise fulfilled:

(1) Residential Construction – New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1 (one) foot above the base flood elevation.

(2) Nonresidential Construction – New construction or substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to 1 (one) foot above the level of the base flood elevation or together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and

with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.

(3) Require for all new construction and substantial improvements – That fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Opening may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Require the use of construction materials that are resistant to flood damage.

C. Require the use of construction methods and practices that will minimize flood damage.

D. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

E. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4800 pounds.

(4) Any additions to manufactured home are similarly anchored.

G. Require that recreational vehicles placed on sites within identified floodplain on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

H. Require that all manufactured homes to be placed within “Special Flood Hazard Areas” on the community’s FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with provisions of Section 6.F.

IV.

FEMA regulations found in 44 CFR 65.5 and 65.6 authorize the issuance of a Letter of Map Revision (LOMR) or a Letter of Map Revision based on fill (LOMR-F) to remove land from the area of a SFHA (i.e. the floodplain) provided in part that the participating community has determined that the land and any existing or proposed structures to be removed from the SFHA are “reasonably safe from flooding”.

V.

FEMA defines “reasonably safe from flooding” to mean “base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings. 44CFR 65.2(c).

VI.

After FEMA has revised the FIRM to show that the filled or non filled land is outside the floodplain (SFHA), Buffalo County is no longer required to apply the minimum National Flood Insurance Program floodplain management standards to any structures built on the land and FEMA’s mandatory flood insurance purchase requirements no longer apply, although flood insurance may still be required contractually by any bank or banks and/or any other lender(s) if the structure and/or land is used as collateral to secure a loan.

VII.

Land removed from the floodplain pursuant to LOMR or LOMR-F is not subject to Buffalo County’s floodplain resolution.

VIII.

FEMA believes that residual flood hazards may exist in areas elevated above the base flood elevation, including subsurface flood conditions and flooding from events, which exceed the base flood. Therefore, FEMA will not process an application for nor approve a LOMR or a LOMR-F application that removes land from the regulated floodplain unless the participating community, in this case Buffalo County, certifies that the area is reasonably safe from flooding according to criteria set forth in FEMA’s Technical Bulletin 10-01 “Ensuring that structures built on fill or in near special food hazard areas are reasonably safe from flooding in accordance with the National Flood Insurance Program”.

IX.

At present, the County does not have any regulations that control development of flood prone areas outside of the floodplain that would ensure that any construction in these areas is reasonably safe from flooding. Therefore, on this basis of the improvement being outside the floodplain, Buffalo County for these areas cannot make the required certification to FEMA required for processing or issuance of a LOMR or LOMR-F.

X.

The Owner desires to apply to FEMA for a LOMR or a LOMR-F in order to remove that Property from the SFHA, the floodplain, for (check the appropriate box):

- Future development and/or
- Present structure on the property and/or
- Lot or metes and bounds real estate description

All done for the purpose of avoiding the mandatory flood insurance purchase requirement for lending which is attached to federally guaranteed loans for construction of buildings on the property or of improvements on the property as they now exist. Therefore the owner desires to enter into this agreement with the County to restrict the development of the Property to ensure that any construction on the Property is reasonably safe from flooding in order to induce the County to sign the certification required by FEMA certifying that if the Property is removed from the SFHA, the floodplain, the land and any existing or future buildings constructed thereon will be reasonably safe from flooding.

XI.

NO WARRANTIES: The parties in undertaking and entering into this agreement understand that Buffalo County cannot and does not make any warranties that the Property will not be flooded and/or damaged by flooding however caused.

NOW THEREFORE, in consideration of the above-recited declarations and the mutual covenants contained herein, Owner and County agree as follows:

1. The base flood elevation of the Property is 2014 NAVD 1988.
2. The Owner agrees that all new construction and substantial improvements of residential structures located upon the Property shall have or do have the lowest floor, including basement, elevated at least one (1) foot above the base flood level. The Owner certifies and agrees that all garages and storage buildings used exclusively for the storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below flood elevation, provided that the building structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the 100-year flood and, further, provided that no utilities are installed in the building or structure expect when elevated above floodplain elevation or flood proofed. Owner agrees that if

the building or structure is converted to another use, it must be brought into full compliance with the requirements of this Agreement governing such uses.

3. The Owner agrees that all new construction and substantial improvements of commercial, industrial, and other nonresidential structures located on the Property shall either have the lowest floor, including basement, elevated at least one foot above the base flood level. Owner further agrees that a registered professional engineer or architect shall develop or review the structural design, specifications, and/or plans of construction, and shall certify to the County that the present design and/or future design and finished structure with methods of construction will and does fulfill Buffalo County's Floodplain Resolution together with any FEMA requirement, whichever is more restrictive.
4. Owner agrees that for all new construction and/or existing construction or future substantial improvements, that in the fully enclosed areas that are below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement, that are subject to flooding, that such structures containing this enclosure shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to the County, and must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided that they permit the automatic entry and exit of flood waters.
5. Owner agrees to identify all building sites and their elevation in relationship to the base flood elevation on all grading plans, preliminary plats, final plats, use permits, and/or special permits for the Property or any part thereof. Owner further agrees to identify all building sites and their or its elevation in relationship to the base flood elevation in any application for a LOMR or LOMR-F.
6. Owner agrees to not, and/or agrees that the County may note, on all grading plans, building permits, preliminary plats, final plats, floodplain permits, use permits, and/or special permits for the Property or any part thereof that all new construction and substantial improvements of residential structures and all new construction and all new construction and substantial improvements of commercial, industrial, and other non-residential structures shall be constructed to standards required by Buffalo County's Floodplain Resolution or FEMA standards, whichever is more restrictive.
7. Upon execution of this Agreement and its filing of record with the Buffalo County Register of Deeds, Buffalo County agrees to provide FEMA with the County's assurance, that if the Property is removed from the SFHA, the floodplain, pursuant to LOMR or a LOMR-F, that all new construction and substantial improvement of existing building or structures on the Property will be reasonably safe from flooding.
8. Owner agrees that no permit can be issued by the County for the construction of any new building or structure on the Property or substantial improvement of any existing building or structure on the Property until the Owner has submitted all of the required information necessary to obtain authorization to building/construct. Minimally this information shall contain base elevations for the proposed and completed structures and certification that

any fill material has been properly placed on the property and will not collapse or cause collapse of the structure(s) in event of 100-year frequency flood.

9. The agreement shall run with the land and shall be binding on all heirs, successors, and assigns of the Owner.

10. The parties agree that, except as defined elsewhere in this Agreement, the following terms are defined in Buffalo County's Floodplain Resolution:

"Appurtenant Structures"

"Base Flood"

"Basement"

"Development"

"Existing Manufactured Home Park or Subdivision"

"Expansion to an Existing Manufactured Home Park or Subdivision"

"Flood" or "Flooding"

"Flood Proofing"

"Floodway"

"Historic Structure"

"Lowest Floor"

"Manufactured Home"

"Manufactured Home Park or Subdivision"

"New Construction"

"New Manufactured Home Park or Subdivision"

"Principally Above Ground"

"Recreational vehicle"

"Regulatory Flood Elevation"

"Special Flood Hazard Area"

"Start of Construction"

"Structure"

"Substantial Damage"

"Substantial Improvement"

"100-Year Flood"

IT IS FURTHER AGREED that the Owner and his heirs, successors, and assigns shall not hold Buffalo County liable for any loss sustained on the Property to any person and/or property, caused from flooding and/or other water inundation processes however cause and/or created.

Dated this 24th day of September 2024.

BUFFALO COUNTY, NEBRASKA

Ivan H. Klein, Chairman
Buffalo County Board of Commissioners

ATTEST: _____
Heather A. Christensen, County Clerk

(SEAL)

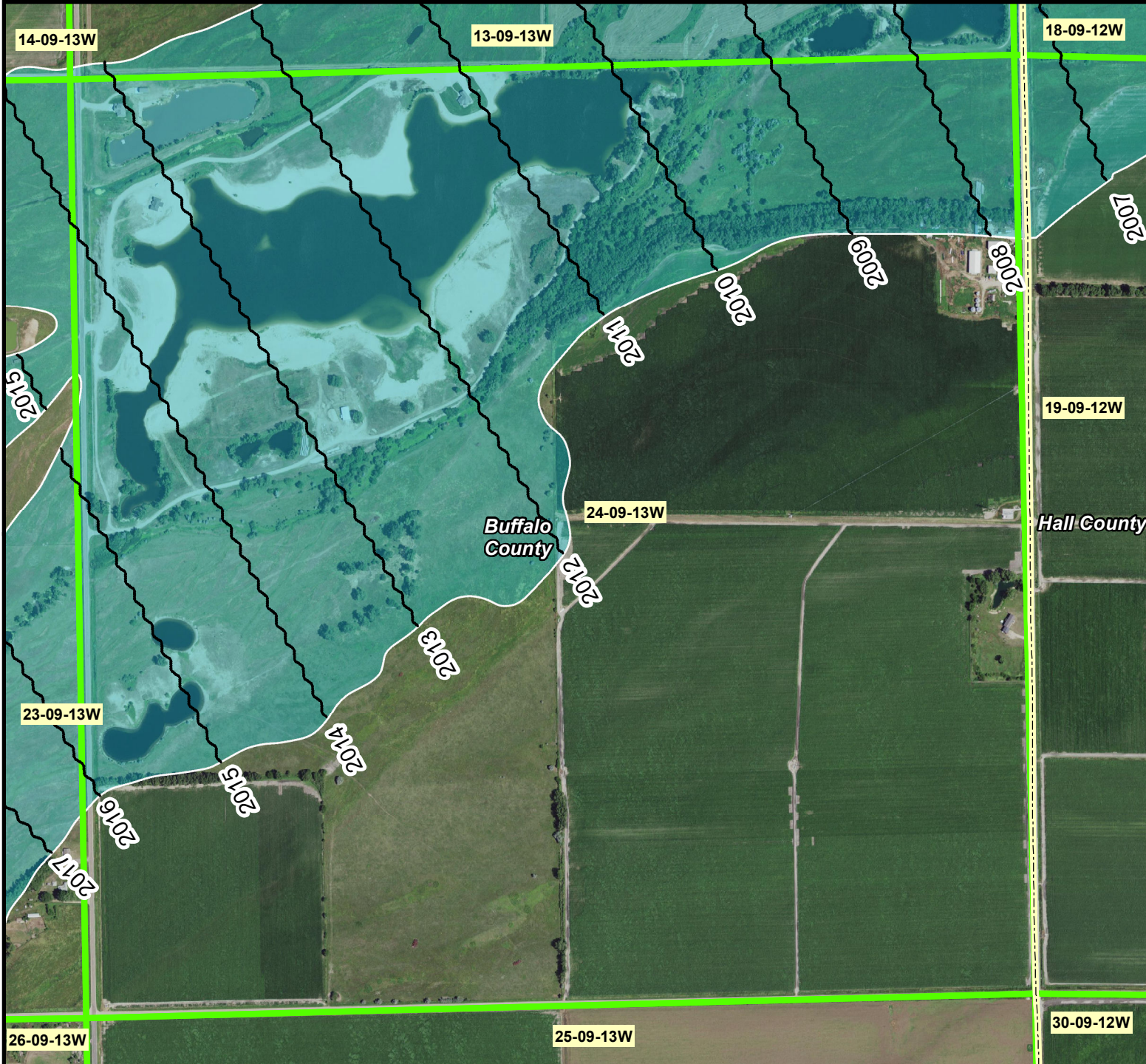
STATE OF NEBRASKA)
) SS
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Ivan H. Klein, Chairman, Buffalo County Board of Commissioners.

Notary Public

My Commission expires _____




Authorized in Board minutes dated: September 24, 2024.




Section 24-09-13W Buffalo County

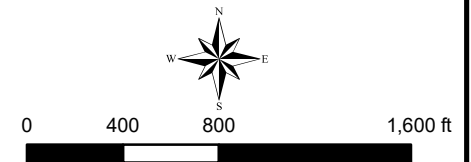
**Valid: September 20, 2019
until Superseded**
**Buffalo Co. Effective FIRM dated:
11/26/2010**
**Hall Co. Effective FIRM dated:
9/26/2008**

Legend

-  BFE--NAVD 1988
-  County
-  Section

Effective Flood Zones

-  1% Annual Chance



*Please see page 2 for the Use and
Limitations of this BFE Determination*

This BFE was determined by:

BFE Determination Use and Limitations



Nebraska Statutes:

Nebraska Department of Natural Resources (NeDNR) provides BFE Determinations to local officials for the purpose of administering floodplain management programs within their jurisdictions. Nebraska State Statute 31-1017 (4) and (6) more specifically say for Floodplain Management Regulations, and defines Floodplain Management Regulations in 31-1012 as “Flood plain management regulations shall mean and include zoning ordinances, subdivision regulations, building codes and other applications of the police power which are authorized by law to secure safety from floods and provide for the reasonable and prudent use of flood plains”.

NeDNR BFE Determination Process:

Currently, NeDNR provides BFE Determinations for FEMA Zone A special flood hazard areas and NeDNR flood awareness areas. BFE Determinations for FEMA Zone AE special flood hazard areas must be determined from the Flood Insurance Study (FIS) tables and profiles using the Flood Insurance Rate Map (FIRM) as reference. NeDNR will be available for technical assistance in these areas.

NeDNR uses the best available data and basic engineering methods to determine BFEs in FEMA Zone A special flood hazard areas and NeDNR flood awareness areas. This typically involves a regression analysis to compute hydrology and a normal depth calculation to develop water surface elevations for the 1-percent annual chance event. Basic engineering methods are established using bare earth topographic data; meaning structures are not considered and field survey is not conducted for use in the analysis.

Acceptable uses:

- Letter of Map Amendments (LOMAs) on existing structures,
- Elevation Certificates on existing structures, and
- Permitting of new structures, although NeDNR recommends that a professional engineer perform a site-specific analysis for all new development.

Unacceptable uses:

- Design of developments greater than 5 acres or 50 lots (44 CFR 60.3) and
- Hydraulic structure design.

Community Responsibility:

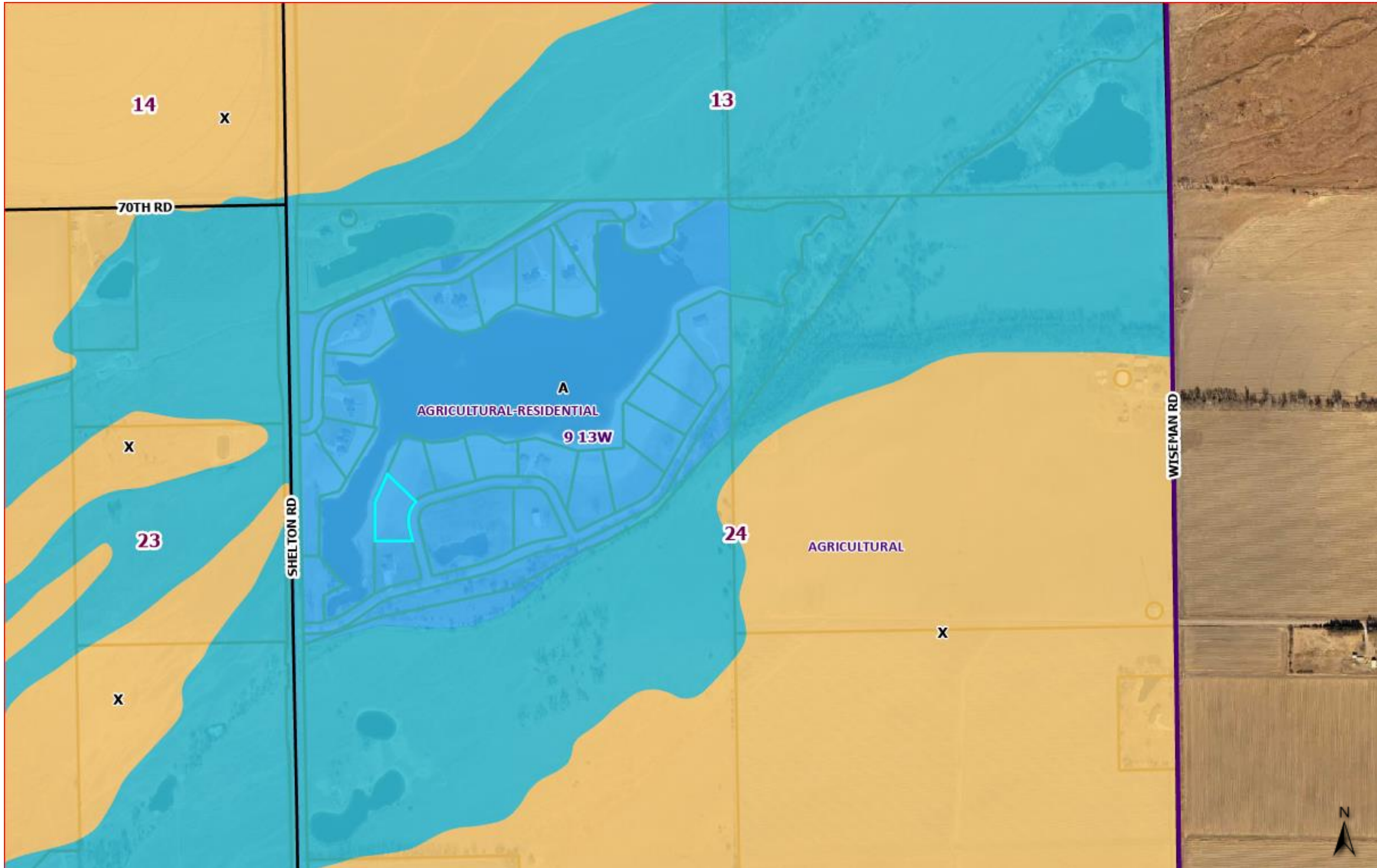
Communities are responsible for maintaining records of the cumulative effect of proposed development (44 CFR 60.3(c)(10)).

BFE Determination Valid Dates:

The valid dates provided on BFE Determinations are the maximum validation period for the determinations and do not mean they are valid for that entire period. BFE Determinations can be superseded at any time. All future determinations will say Valid from XX/XX/XXXX until superseded to remind users to check on the validity of a BFE before its use.

Krull Zoning/Floodplain Map

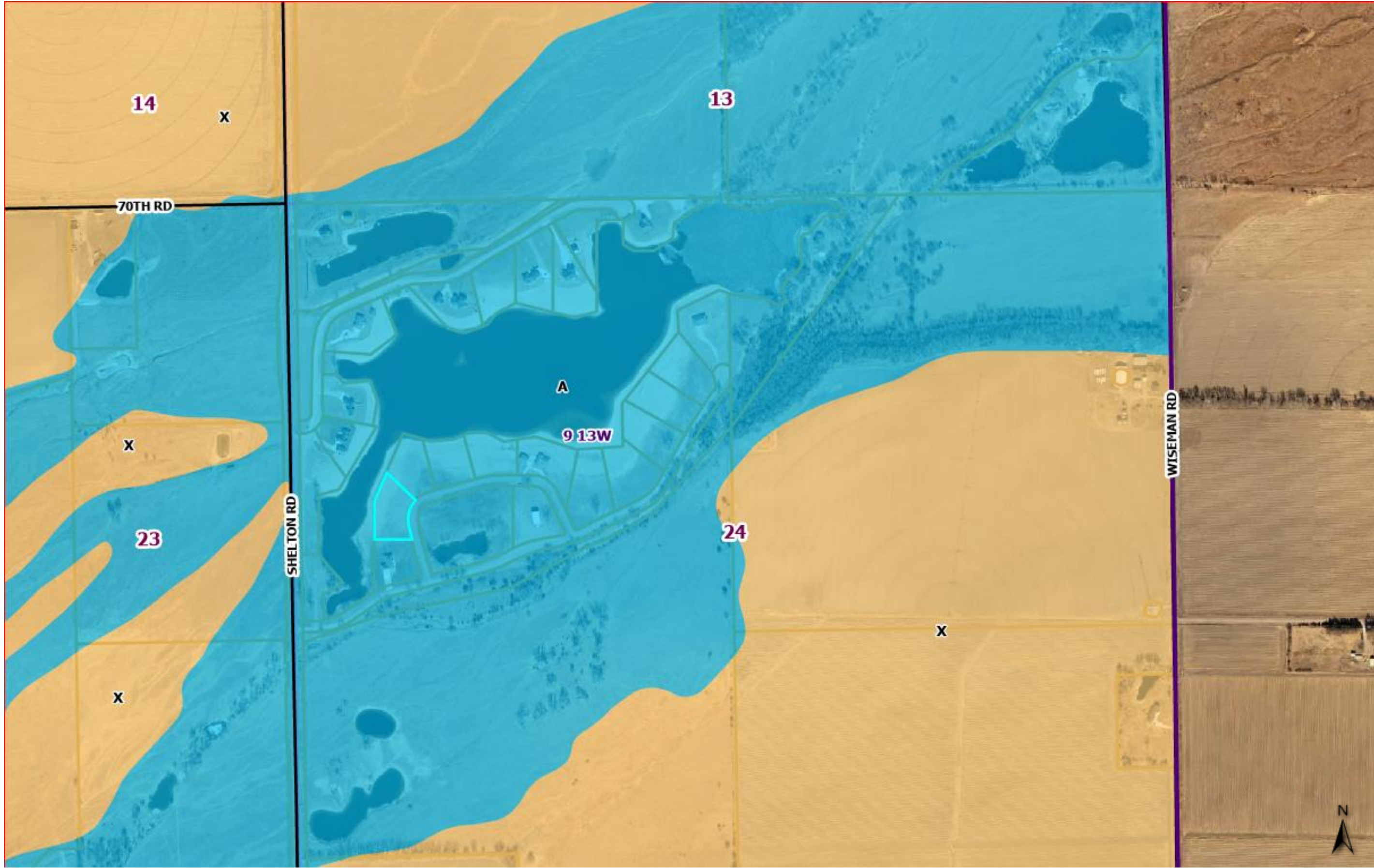
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- Parcels
 - Roads
 - Townships
 - Sections
- Zoning
- AGRICULTURAL
 - AGRICULTURAL-RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - RURAL CONSERVATION
- Floodplain
- A
 - AE
 - AH
 - AO
 - X

Krull Floodplain Map

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- Parcels
 - Roads
 - Townships
 - Sections
- Floodplain
- A
 - AE
 - AH
 - AO
 - X