

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION FINAL PLAT – BEACON VIEW 2ND ADDITION

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board of Commissioners (County Board); and,

WHEREAS, the County Board has the authority to adopt a Subdivision Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-374 (Reissue 2007); and,

WHEREAS, said Subdivision Regulation requires the County Board to approve applications for a final plat; and

WHEREAS, Rebecca Horner, Planning Director has reviewed Beacon View Inc.'s application for a final plat of a subdivision to be known as Beacon View 2nd Addition for compliance with the Subdivision Regulation on the following described property, to wit:

Outlot 6 Beacon View Lot 27 and Tax Lot D1 all of Section 29 T13N R10E,
Sarpy County Nebraska. (Highway 6 and the Platte River).

WHEREAS, the Planning Director has made a recommendation of approval as noted in Exhibit A, attached hereto and incorporated by reference, which Exhibit A includes the Planning Director report, the Natural Resources District comments, the aerial map of the subject property and a copy of the final plat of the subdivision to be known as Beacon View 2nd Addition; and

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT this County Board makes the following findings of fact:

- I. A public hearing regarding the approval of the final plat was held on December 15, 2010 before the Sarpy County Planning Commission. The Planning Commission provided their recommendation to the County Board.

- II. A public hearing regarding the approval of the final plat was held by this County Board.
- III. Notice of each of the public hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing.
- IV. This County Board has previously approved the preliminary plat.
- V. Rebecca Horner, Planning Director has recommended approval of the final plat.
- VI. The proposed final plat of a subdivision to be known as Beacon View 2nd Addition is in conformity with the preliminary plat, the Zoning Regulation, the Subdivision Regulation and the Sarpy County Comprehensive Plan;

BE IT FURTHER RESOLVED THAT the final plat of a subdivision to be known as Beacon View 2nd Addition, as described in the attached Exhibit A is hereby approved with the following condition: That Beacon View Inc. guarantee in writing that the purchasers and all successors in interest of the Beacon View 2nd Addition lots have access to said lots via the land which is the subject of the Quitclaim Deed from Burlington Northern Inc. to Beacon View Inc. dated April 16, 1973, a copy of which is attached hereto as Exhibit B. Which guarantee shall be granted prior to the issuance of a building permit on the Beacon View 2nd Addition lots.

Dated this 11th day of January 2011.

Moved by Rusty Hike seconded by Jim Warren, that
the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Rusty Hike

none

none

Jim Warren

Jim Thompson

Jim Neble

Tom Kichall

ABSTAIN:

none



Debra L. Houghtaling
County Clerk

Approved as to form:

Michelle
County Attorney

Sarpy County Board of Commissioners Report
 Staff Report Prepared: January 3, 2011
 County Board Meeting Date: January 11, 2011

Subject	Type	By
Final Plat, Beacon View 2 nd Addition for four lots on property described as Outlot 6 Beacon View Lot 27 and Tax Lot D1 all of Section 29 T13N R10E, Sarpy County, NE.	Resolution	Rebecca Horner, AICP Planning Director

- Request
 - The applicant requests a Final Plat to create four buildable residential lots in the flood plain along the Platte River at approximately 255th and Highway 6.
- History
 - A Change of Zoning, Comprehensive Plan Amendment and Preliminary plat were approved February 12, 2008. The Papio-Missouri River has been involved in a buyout program and the preliminary plat provided for replacement lots within the subdivision. The Comprehensive Plan was previously amended from Greenway to allow for RD50 development.
 - Beacon View Lot 27, which platted a replacement lot, was final platted in January 2009.
- Comprehensive Development Plan
 - The Sarpy County Development Structure Plan indicates this area as Greenway.
- Zoning
 - The zoning district is RD-50, Two Family Residential District.
 - The request is in conformance with the 2008 Comprehensive Plan Amendment that allowed the approval of the Beacon View Preliminary Plat.
 - The request to plat four additional lots is in conformance with the approved Beacon View preliminary plat approved in 2008.
 - The lots serve as replacement lots for other lots in the area.
 - The lots were part of a Letter of Map Revision based on fill to remove portions of the lot from the floodplain and a no-rise certification indicates there is no impact on surface elevations due to the request.
 - The Papio-Missouri River Natural Resources District does not object to the final plat request and provided comments. The comments were resolved prior to the Planning Commission meeting.
 - All development must meet the Sarpy County Floodplain Regulations and any development in the area requires a floodplain development permit unless the areas developed were removed from the floodplain.
- Natural Resources District
 - The Papio Missouri River Natural Resources District is not opposed to the request. The NRD provided comments which are attached.
- Planning Commission Recommendation
 - On December 15, 2010, Bliss moved, seconded by Dunbar to recommend approval of the Final Plat for Beacon View Second Addition as it conforms to the Comprehensive Plan, Subdivision and Zoning Regulations of Sarpy County. **Ballot: Ayes: Bliss, Fenster, Dunbar, Vanek, Wear, Lichter, Stuart, Torczon, Thompson, Whitfield. Nays: None. Abstain: None. Absent: Labart. Motion Carried.**
- Recommendation
 - Recommend approval to the **Final Plat** for Beacon View 2nd Addition for four replacement lot within the subdivision as it conforms to the amended Comprehensive Plan, Subdivision Regulations and Zoning Regulations of Sarpy County.

Respectfully submitted by:



Rebecca Horner, AICP
 Planning Director

December 3, 2010

Ms. Rebecca Horner
Sarpy County Director of Planning
1261 Golden Gate Drive, Suite 2E
Papillion, Nebraska 68046

**PAPPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT**



8901 S. 154th Street
Omaha, NE 68138-3621
402-444-6222
www.papionrd.org

RE: Final Plat – Beacon View Final Plat Lots 28-31

Dear Ms. Horner:

The District received a final plat for lots 28 through 31 of the Beacon View development located at Highway 6 and the Platte River in Sarpy County, NE (NW ¼ of Section 29, T13N, R10E). The District has reviewed the preliminary plat prepared by Thompson, Dreessen, and Dorner, Inc. dated October 27, 2010 and has the following comments:

- According to the Flood Insurance Rate Map for Sarpy County, Panel 31153C 0150G, effective December 2, 2005, the proposed development is located in the Zone AE floodway of the Platte River. The base flood elevation (BFE) ranges from 1063.5 to 1067.0 ft (NAVD 1988). Based on previously submitted information, Conditional Letter of Map Revision (CLMOR) and no rise certification, it has been determined that these lots will not increase water surface elevations under encroached conditions during the base flood.
- Proposed building elevations must be at least one foot above the BFE. Floodplain development permits should be applied for individually with each building permit and elevation certificates prepared.
- Please note on the plat that Lot 14 is a non-buildable outlot.

The District has no objection to the final plat as proposed for Lots 28 through 31 of Beacon View.

If you have any questions, please contact me at 315-1722 or by email at agrint@papionrd.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Grint', written in a cursive style.

Amanda Grint, PE, CFM
Water Resources Engineer

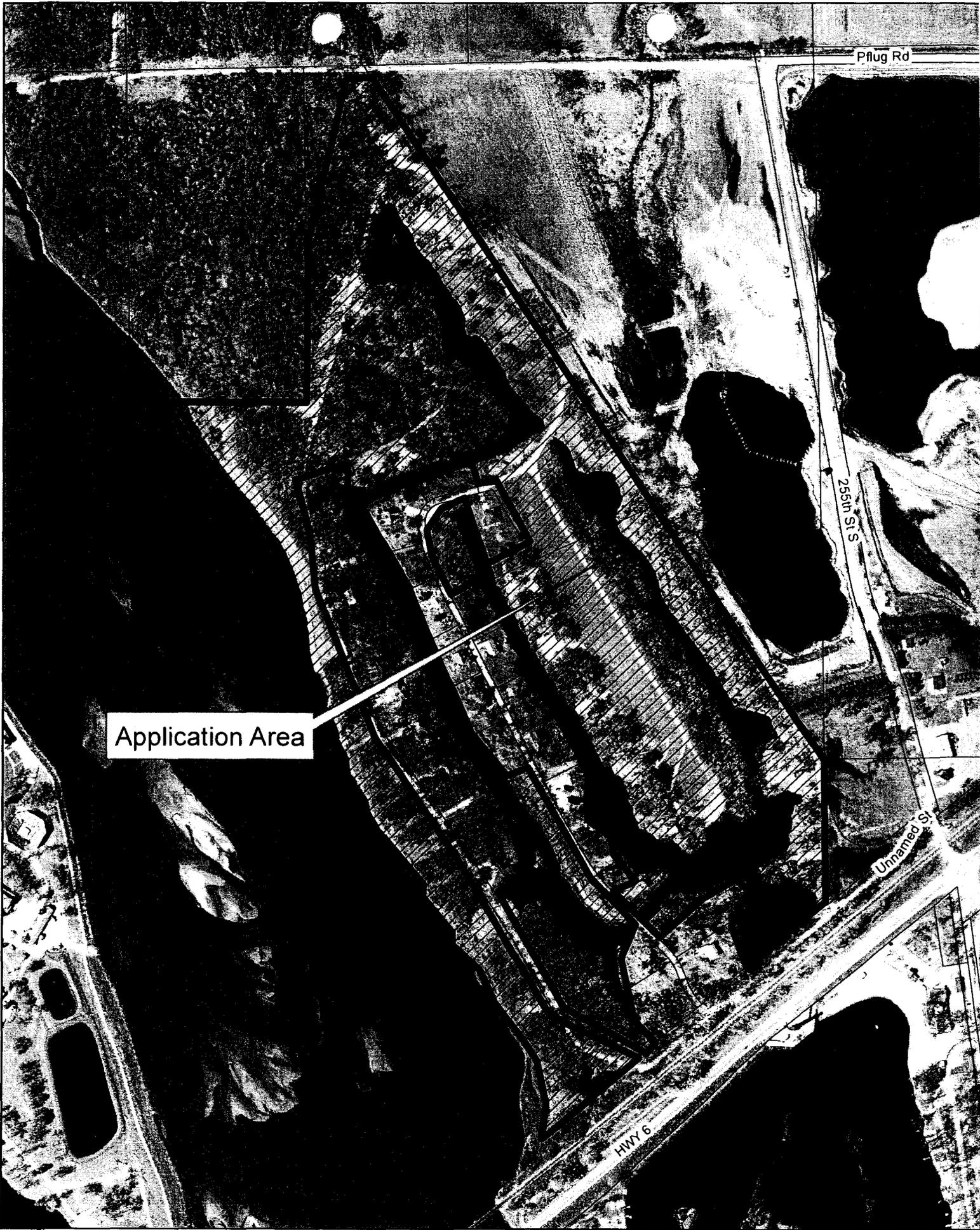
DEC 7 2010

SARPY COUNTY
PLANNING DEPARTMENT

Cc: Lori Laster and Marlin Petermann, PMRNRD

Z:\agrint\534\101203-Homer-Beacon View Lot 28-31.doc

File: Plat: 1079



Pflug Rd

255th St S

Unnamed St

HWY 6

Application Area



Beacon View 2nd Addition
255th and Highway 6

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS.

That BURLINGTON NORTHERN INC., a corporation organized under the laws of the State of Delaware, successor in interest to Chicago, Burlington & Quincy Railroad Company, Grantor, in consideration of Three Thousand and no/100 Dollars (\$3,000.00), to it duly paid, the receipt whereof is hereby acknowledged, has granted, conveyed, remised, released and quitclaimed, and by these presents does grant, convey, remise, release and forever quitclaim unto DEACON VIEW, INC., a Nebraska corporation, Grantee, and to its successors and assigns forever, all its right, title, interest, estate, claim and demand, both at law and in equity, of, in and to the following described real estate, to-wit:

That part of the right of way of Burlington Northern Inc. in the South Half (Sh) of Section 29, Township 13 North, Range 10 East of the Sixth Principal Meridian, County of Sarpy, State of Nebraska, that lies Northwesterly of a line located 50 feet perpendicularly distant, Northwesterly and parallel from the center line of Burlington Northern Inc. main line railroad track extending Northeasterly from the East bank of the Platte River to the West line of a Northwesterly and Southeasterly existing road which center line of said road crosses Burlington Northern Inc. main line railroad track at its Engineering Station 93+40 or about 610 feet Northeasterly from the North and South center line of said Section 29, as measured along said center line of Burlington Northern Inc. main line railroad track.

RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed.

ALSO RESERVING, however, unto said Grantor, its successors and assigns, an easement with the right of ingress and egress for the maintenance, repair, renewal, removal, and operation of Northwestern Bell Telephone Company's existing telephone pole line, together with all appurtenant fixtures necessary thereto, whether in the present form or in such form or forms as may hereafter be substituted therefor.

Exhibit B

P1994.026.016

As a further consideration for the conveyance of the premises, Grantee hereby agrees to maintain at its sole cost and expense Goodfellow Dike to the satisfaction of Grantor, without prejudice, however, to any obligations or responsibilities of Grantee, as successor in interest to the obligations of Linoma Realty Company under that certain Agreement dated March 13, 1950, recorded in Sarpy County on April 4, 1950, Book 14, Miscellaneous Records, Page 331 between Chicago, Burlington & Quincy Railroad Company and Linoma Realty Company and without prejudice to any obligations or responsibilities of Grantee under that certain Letter Permit between Burlington Northern Inc. and Beacon View, Inc. dated October 23, 1972.

Together with all and singular the hereditaments and appurtenances thereto belonging; TO HAVE AND TO HOLD the above described premises unto the said Grantee, its successors and assigns.

IN WITNESS WHEREOF, said Burlington Northern Inc. has caused these presents to be signed by its Vice President and Secretary, and its corporate seal to be hereunto affixed, this 16th day of April, 1973.

In Presence of:

BURLINGTON NORTHERN INC.

/s/ Mary E. DuPuis

BY /s/ G. F. Defiel

[Handwritten signature]
STATE OF MINNESOTA)
COUNTY OF RAMSEY)

G. F. DEFIEL
Vice President (S & A L)

ATTEST:

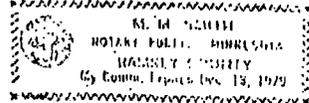
BY /s/ R. M. O'Kelly

R. M. O'Kelly
Secretary

STATE OF MINNESOTA)
COUNTY OF RAMSEY)

On this 16th day of April, A.D., 1973, before me, a Notary Public duly commissioned and qualified in and for said County, personally came the above named G. F. Defiel, Vice President, and R. M. O'Kelly, Secretary of Burlington Northern Inc. who are personally known to me to be the identical persons whose names are affixed to the above deed as Vice President and Secretary of said corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of said corporation.

WITNESS my hand and official seal, at St. Paul, in said County, the date aforesaid.



/s/ R. M. Smith
NOTARY PUBLIC

PR994.026.014

From: [Nicole O'Keefe](#)
To: [Chris Vance](#)
Cc: [Renee Lansman](#); [Debra J. Houghtaling](#); [Rebecca Horner](#); [Kendra Koehler](#)
Subject: RE: Beacon View 2nd Addition Condition
Date: Friday, January 28, 2011 2:38:37 PM

Hi Chris,

Sorry I did not reply to this closer to your send date.

It is ok for the Clerk to consider the Resolution approved and not pending.

There is no specific timeline on when the written guarantee (which is a condition of the resolution) will be filed with the Register of Deeds except that it is required to be filed prior to an issuing a building permit. Thus the building department should not issue any building permits without verifying that the written guarantee has been filed.

You don't have to consider the resolution "pending" in your system. I will email Art Beccard and see if we can get the ball rolling on this, but I don't expect Beacon View to really begin moving on this until Beacon View is ready to sell the lots.

When I get a copy of the written guarantee, I will get the Clerk's office a copy for their records.

Regards,

Nicole L. O'Keefe
Deputy Sarpy County Attorney
1210 Golden Gate Drive
Papillion, NE 68046
Phone: 402-593-2230
Fax: 402-593-4359

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From: Chris Vance
Sent: Wednesday, January 12, 2011 1:56 PM
To: Nicole O'Keefe
Cc: Renee Lansman; Debra J. Houghtaling; Rebecca Horner; Kendra Koehler
Subject: Beacon View 2nd Addition Condition

Hi Nicole,

Rebecca advised that Beacon View Inc. needed to file the "written guarantee" with the Register of Deeds. She thought you may see it before it is filed and get a copy afterwards. I am requesting a copy after filing or let me know who I need to contact in order to get one. We will keep our Resolution "Pending" until we have the copy. Thanks for your help!

Thank you,
[Christine Vance](#)
[Please confirm receipt by replying to this email](#)

2011-21401

08/31/2011 11:58:56 AM

Floyd J. Dowling

REGISTER OF DEEDS

COUNTER LM C.E. LM
VERIFY LM D.E. DP
PROOF _____
FEES \$ 7.00
CHECK# 10653
M/G _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____



GRANT OF ACCESS EASEMENT

Beacon View, Inc. Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration hereby grants an easement of access and ingress/egress to and for the benefit of each of the "Benefited Lots" as described below to and over any and all its roadways, particularly including access to and over its roadway immediately appurtenant to each Benefited Lot, and the land that is the subject of the Quitclaim Deed from Burlington Northern Inc. to Beacon View Inc. dated April 16, 1973."

Benefited Lots:

This grant of easement benefits Lots 28, 29, 30, and 31, Beacon View 2nd Addition, a subdivision as surveyed platted and recorded, in Sarpy County Nebraska and shall run with each such Benefited Lot for the benefit of successors and assigns.

Dated this 12 day of August, 2011.

Beacon View, Inc.

Robert Schnaidt
By - Robert Schnaidt, President

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

RJK
LAW OFFICES
ELICK, JONES, BUELT, BLAZEK & LONGO, LLP
8805 INDIAN HILLS DRIVE, SUITE 280
OMAHA, NEBRASKA 68114-4070

The foregoing instrument was acknowledged before me, a Notary Public, qualified for said County, on this 12 day of August, 2011 by Robert Schnaidt, President of Beacon View, Inc., Grantor.

David L. Buel
Notary Public

