

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

**RESOLUTION AUTHORIZING PLANNING DIRECTOR TO SIGN LETTER OF MAP
AMENDMENT APPLICATION
(SECOND AMENDED)**

WHEREAS, the County Board of Commissioners has the authority to adopt a zoning resolution, which shall have the force and effect of law pursuant to Neb. Rev. Stat. §23-114 (Reissue 2012); and,

WHEREAS, the County Board of Commissioners established the Sarpy County Planning Commission pursuant to Neb. Rev. Stat. §23-114 (Reissue 2012); and,

WHEREAS, the Robert L. Bundy Family owns parcels 010398481, 010403132, 011591642, 011592303 and 011592302, Melvin Bundy owns parcel 010397809 and the Melvin E. Bundy Family Real Estate owns parcel 010397884, all parcels together are hereinafter collectively referred to as the "Subject Property"; and,

WHEREAS, together, the owners of the Subject Property have filled out a Letter of Map Amendment (LOMA) application for the purpose of amending the National Flood Insurance Program Map in order to remove a metes and bounds portion of the Subject Property, shown on Exhibit A, from the regulatory floodway and place that metes and bounds portion of the Subject Property into the regulatory flood fringe; and,

WHEREAS, approval of the LOMA application and removal of that metes and bounds portion of the Subject Property from the regulatory floodway, and placement of that metes and bounds portion of the Subject Property into the regulatory flood fringe will likely effect the usage of that metes and bounds portion of the Subject Property; and,

WHEREAS, the LOMA application requires a Sarpy County official's signature acknowledging the following (hereinafter "LOMA Acknowledgment"):

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:

WHEREAS, the LOMA Acknowledgment states that Sarpy County has reviewed either a completed project or a proposed project and that such project complies with Sarpy County's floodplain regulations. To the extent there is a proposed project, it is merely to remove that metes and bounds portion of the Subject Property shown on Exhibit A, from the regulatory floodway for placement into the flood fringe. Therefore, Sarpy County wishes to make findings and include comments as a condition of signing the LOMA application.

WHEREAS, the LOMA Community Acknowledgment also states that Sarpy County acknowledges that no fill on this property has been or will be placed within the designated regulatory floodway. However, the Subject Property was allowed by Special Use Permit to conduct mining operations and as such, was allowed to have temporary fill (stockpiles of the mining waste) on the Subject Property during the mining operations. Further, the Special Use Permits (2003-234 and 2008-136) require that the temporary fill (stockpiles of the mining waste) be placed back onto the Subject Property and revert the Subject Property to the elevation detailed in a November 7, 2002 topographic survey.

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

1. To the extent there is a proposed project, it is merely to remove that metes and bounds portion of the Subject Property shown on Exhibit A, from the regulatory floodway and place the same into the flood fringe.
2. Sarpy County Zoning Regulations govern fill and improvements in the flood plain, but Sarpy County does not have regulations which govern projects that seek to remove property from the floodway
3. If the Department of Homeland Security-Federal Emergency Management Agency (hereinafter "FEMA") approves the LOMA application, Sarpy County is not obligated to approve any future project or use on the Subject Property or any portion thereof.
4. The Subject Property does contain fill, however it is temporary fill.
 - a. The Subject Property is presently being mined under the authority of Special Use Permits. Said Special Use Permits (2003-234 and 2008-136) require that the temporary fill (stockpiles of the mining waste) be placed back onto the Subject Property and revert the Subject Property to the elevation detailed in a November 7, 2002 topographic survey prepared by Lamp, Rynearson, and Associates.
 - b. The temporary fill has not been used in the applicant's analysis to remove that metes and bounds portion of the Subject Property out of the regulatory floodway and into the flood fringe.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, authorizes the Planning Director to sign the LOMA application subject to the following conditions:

1. The Planning Director include a copy of the signed Resolution No. 2014-197 with Exhibit A as part of the Community Comments.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 10th day of June 2014.

Attest

SEAL




Sarpy County Board Chairman


County Clerk

EXHIBIT "A"

Exhibit Drawings containing a metes and bounds description of that portion of each parcel to be included in the LOMA request

EXHIBIT DRAWING

REMOVAL AREA PARCEL # 011592302A

LEGAL DESCRIPTION

THAT PART OF THE EAST HALF OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29;

THENCE NORTH 87°43'46" EAST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 1308.42 FEET ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29 TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 6;

THENCE NORTH 49°24'12" EAST FOR 147.48 FEET ON SAID SOUTH RIGHT OF WAY LINE;

THENCE NORTH 40°26'24" WEST FOR 74.60 FEET CONTINUING ON SAID SOUTH RIGHT OF WAY LINE;

THENCE NORTH 51°50'26" EAST FOR 225.08 FEET CONTINUING ON SAID SOUTH RIGHT OF WAY LINE;

THENCE SOUTH 03°59'50" WEST FOR 2390.24 FEET;

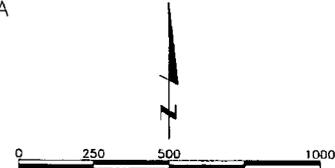
THENCE NORTH 86°00'10" WEST FOR 470.72 FEET TO THE EAST LINE OF 255TH STREET;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 415.93 FEET AND A LONG CHORD BEARING NORTH 23°15'43" WEST FOR 193.20 FEET) FOR AN ARC LENGTH OF 194.98 FEET ON SAID EAST LINE;

THENCE NORTH 09°49'56" WEST FOR 1172.36 FEET ON SAID EAST LINE TO THE SOUTHERLY SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 6;

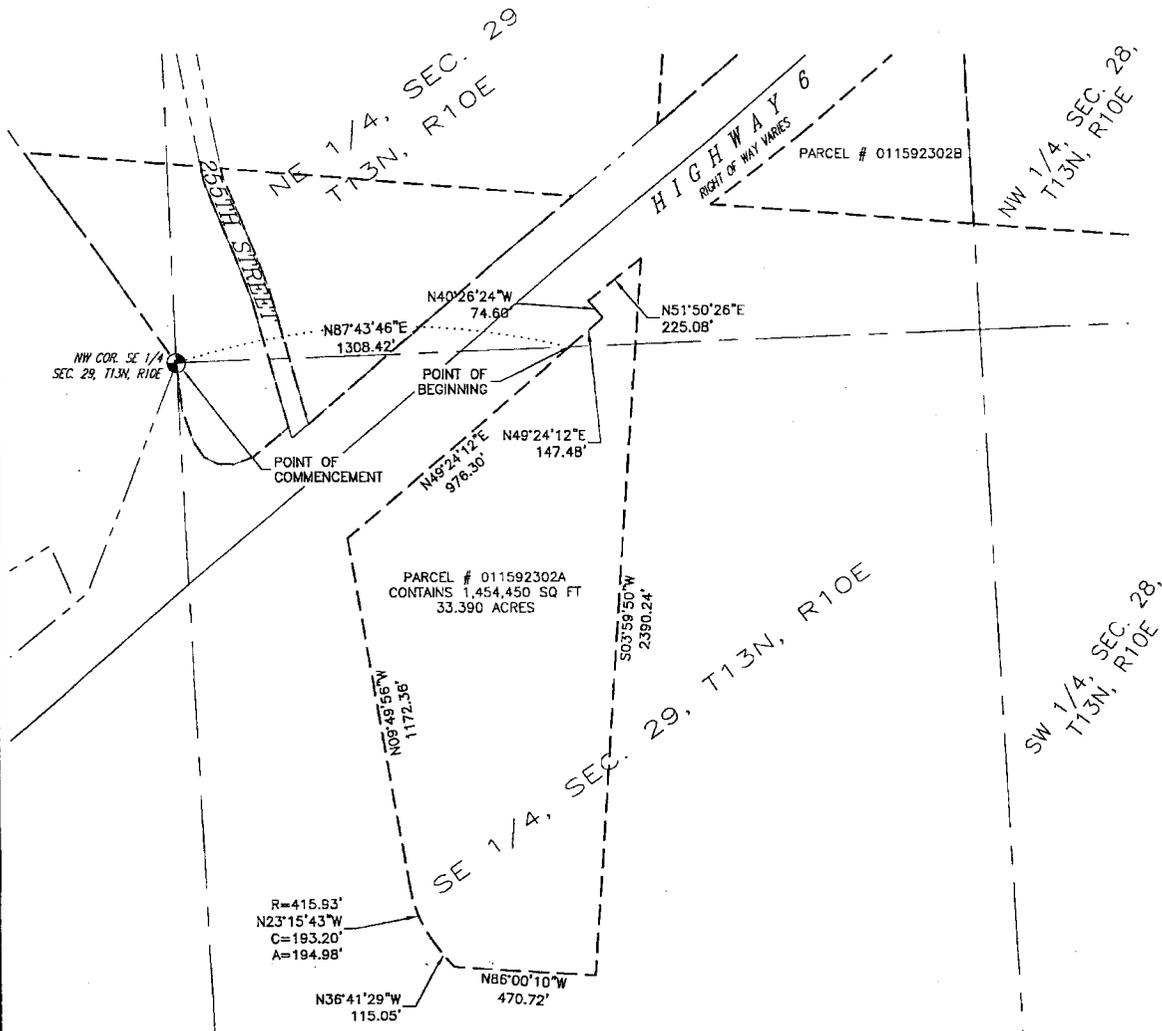
THENCE NORTH 49°24'12" EAST FOR 976.30 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,454,450 SQUARE FEET OR 33.390 ACRES



LEGEND

- SECTION LINE
- - - LOT LINE
- SECTION CORNER
- - - REMOVAL AREA



**LAMP RYNEARSON
& ASSOCIATES**

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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 011592302B

LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29;

THENCE NORTH 87°43'46" EAST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 2678.34 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29;

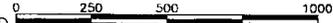
THENCE NORTH 03°05'32" WEST FOR 354.79 FEET ON THE EAST LINE OF THE SAID NORTHEAST QUARTER OF SECTION 29 TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 85°38'14" WEST FOR 878.11 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY 6;

THENCE NORTH 51°50'26" EAST FOR 375.35 FEET ON SAID SOUTH RIGHT OF WAY LINE;

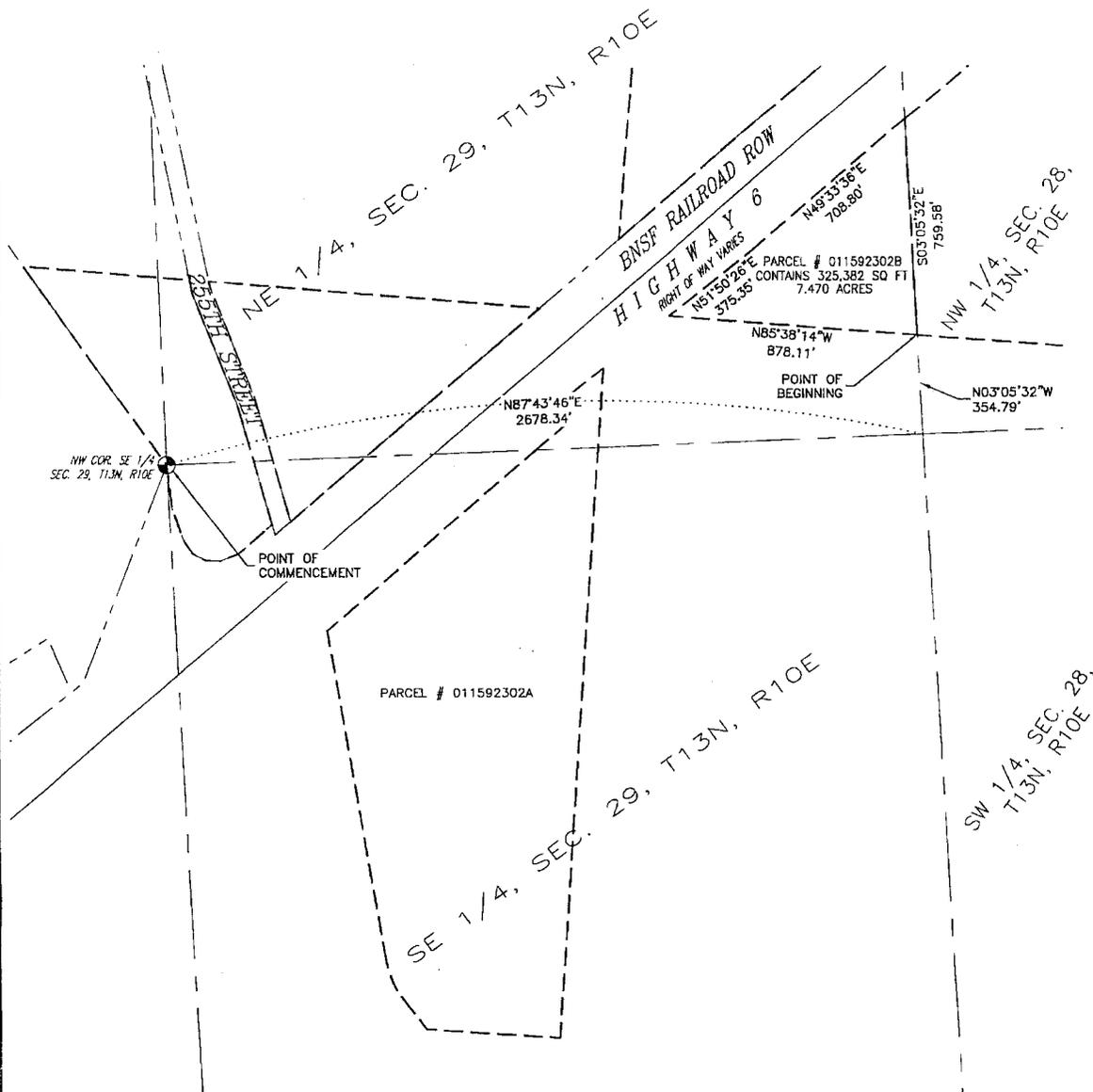
THENCE NORTH 49°33'36" EAST FOR 708.80 FEET CONTINUING ON SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29;

THENCE SOUTH 03°05'32" EAST FOR 759.58 FEET TO THE POINT OF BEGINNING. CONTAINS 325,382 SQUARE FEET OR 7.470 ACRES.



LEGEND

- SECTION LINE
- - - - - LOT LINE
- SECTION CORNER
- - - - - REMOVAL AREA



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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 011592303A

LEGAL DESCRIPTION

THAT PART OF THE EAST HALF OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29;

THENCE NORTH 87°43'46" EAST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 376.13 FEET ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29 TO THE EAST LINE OF 255TH STREET;

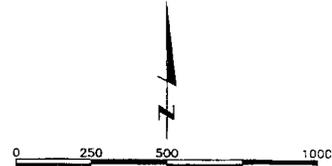
THENCE NORTH 16°06'12" WEST FOR 237.56 FEET ON SAID EAST LINE;

THENCE NORTH 21°57'38" WEST FOR 410.63 FEET CONTINUING ON SAID EAST LINE;

THENCE SOUTH 85°27'09" EAST FOR 1175.27 FEET TO THE NORTHERLY LINE OF THE BNSF RAILROAD RIGHT OF WAY;

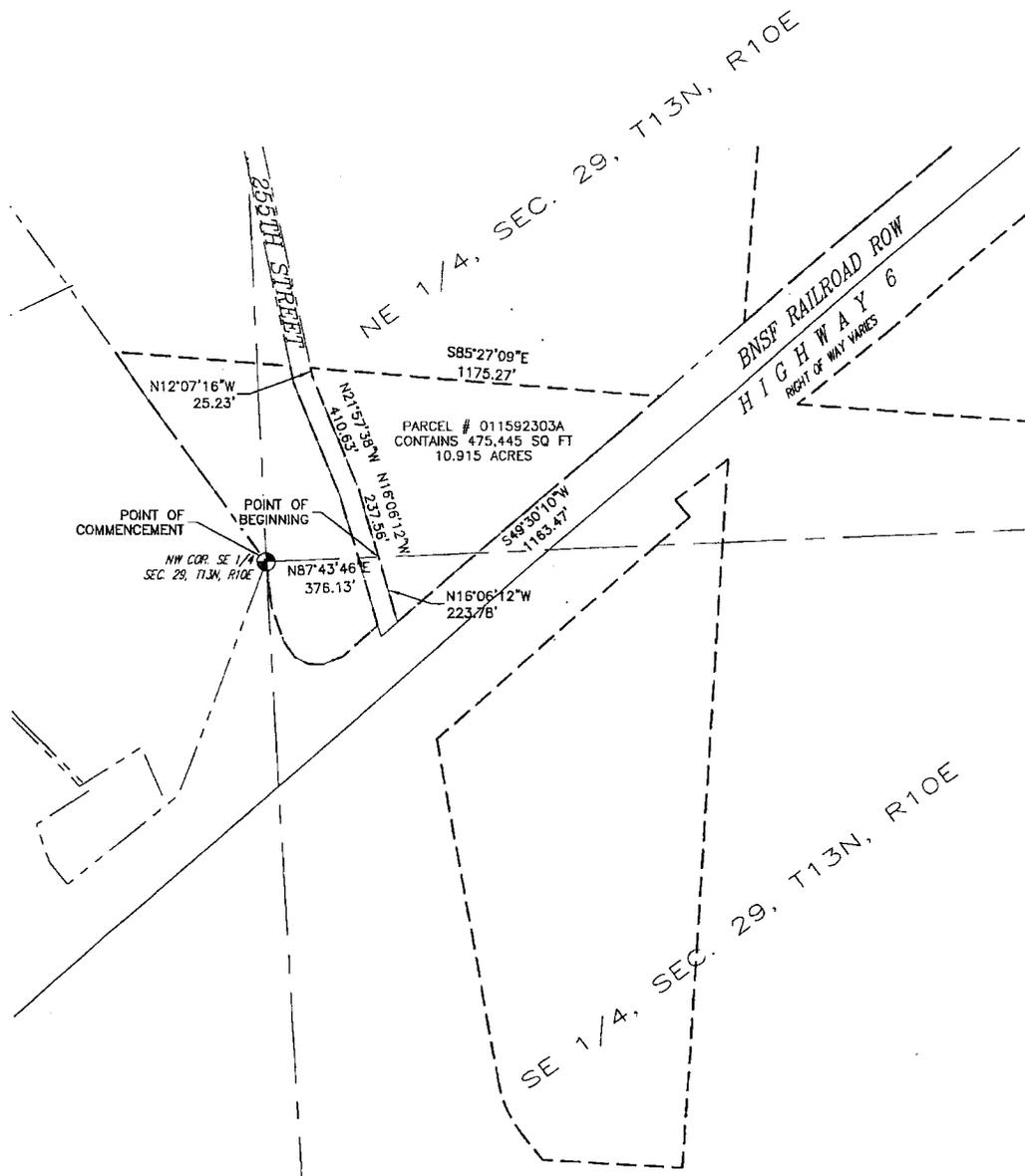
THENCE SOUTH 49°30'10" WEST FOR 1163.47 FEET ON SAID NORTHERLY RIGHT OF WAY LINE TO THE EAST LINE OF SAID 255TH STREET;

THENCE NORTH 16°06'12" WEST FOR 223.78 FEET TO THE POINT OF BEGINNING. CONTAINS 475,445 SQUARE FEET OR 10.915 ACRES



LEGEND

- — — SECTION LINE
- - - - - LOT LINE
- ⊙ SECTION CORNER
- - - - - REMOVAL AREA



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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 011592303B

LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29;

THENCE SOUTH 87°31'10" WEST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 8.28 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29;

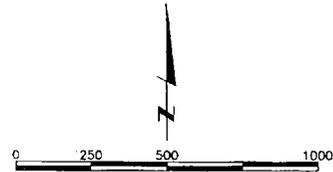
THENCE NORTH 02°28'50" WEST FOR 33.00 FEET TO THE INTERSECTION OF THE SOUTH LINE OF PFLUG ROAD AND THE WEST LINE OF 252ND STREET AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 03°50'42" EAST FOR 479.90 FEET ON THE WEST LINE OF SAID 252ND STREET;

THENCE SOUTH 03°05'32" EAST FOR 600.19 FEET ON THE WEST LINE OF SAID 252ND STREET TO THE NORTHERLY LINE OF THE BNSF RAILROAD RIGHT OF WAY;

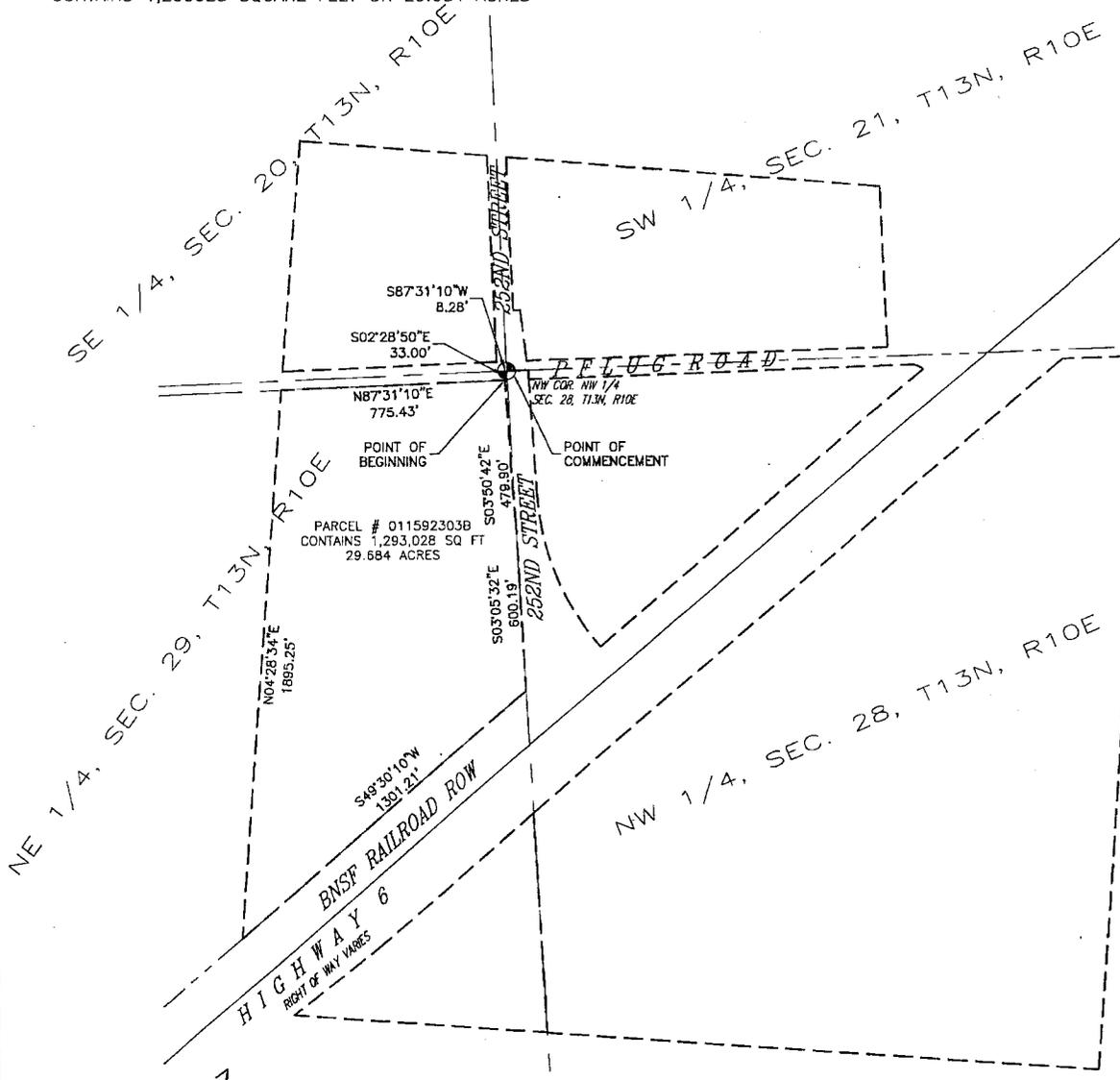
THENCE SOUTH 49°30'10" WEST FOR 1301.21 FEET ON SAID RIGHT OF WAY LINE;
THENCE NORTH 04°28'34" EAST FOR 1895.25 FEET TO THE SOUTH LINE OF PFLUG ROAD;

THENCE NORTH 87°31'10" EAST FOR 775.43 FEET TO THE POINT OF BEGINNING.
CONTAINS 1,293,028 SQUARE FEET OR 29.684 ACRES



LEGEND

- SECTION LINE
- - - - - LOT LINE
- SECTION CORNER
- - - - - REMOVAL AREA



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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 010398481

LEGAL DESCRIPTION

THAT PART OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29;

THENCE NORTH 35°43'29" WEST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 863.17 FEET ON THE EAST LINE OF BEACON VIEW 2ND ADDITION;
THENCE SOUTH 85°27'09" EAST FOR 588.42 FEET TO THE WEST RIGHT OF WAY LINE OF 255TH STREET;

THENCE SOUTH 11°57'29" EAST FOR 50.62 FEET ON SAID WEST RIGHT OF WAY LINE;

THENCE SOUTH 21°57'38" EAST FOR 412.94 FEET CONTINUING ON SAID WEST RIGHT OF WAY LINE;

THENCE SOUTH 16°06'12" EAST FOR 449.68 FEET CONTINUING ON SAID WEST RIGHT OF WAY LINE TO THE NORTH LINE OF THE BNSF RAILROAD RIGHT OF WAY;

THENCE SOUTH 49°40'13" WEST FOR 156.09 FEET ON SAID NORTH RIGHT OF WAY LINE;

THENCE SOUTH 69°19'15" WEST FOR 69.15 FEET;

THENCE NORTH 87°32'38" WEST FOR 52.32 FEET4;

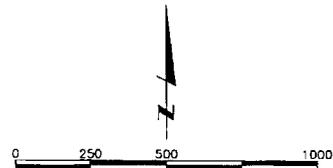
THENCE NORTH 62°45'19" WEST FOR 48.88 FEET;

THENCE NORTH 35°19'53" WEST FOR 61.58 FEET;

THENCE NORTH 19°23'35" WEST FOR 116.62 FEET;

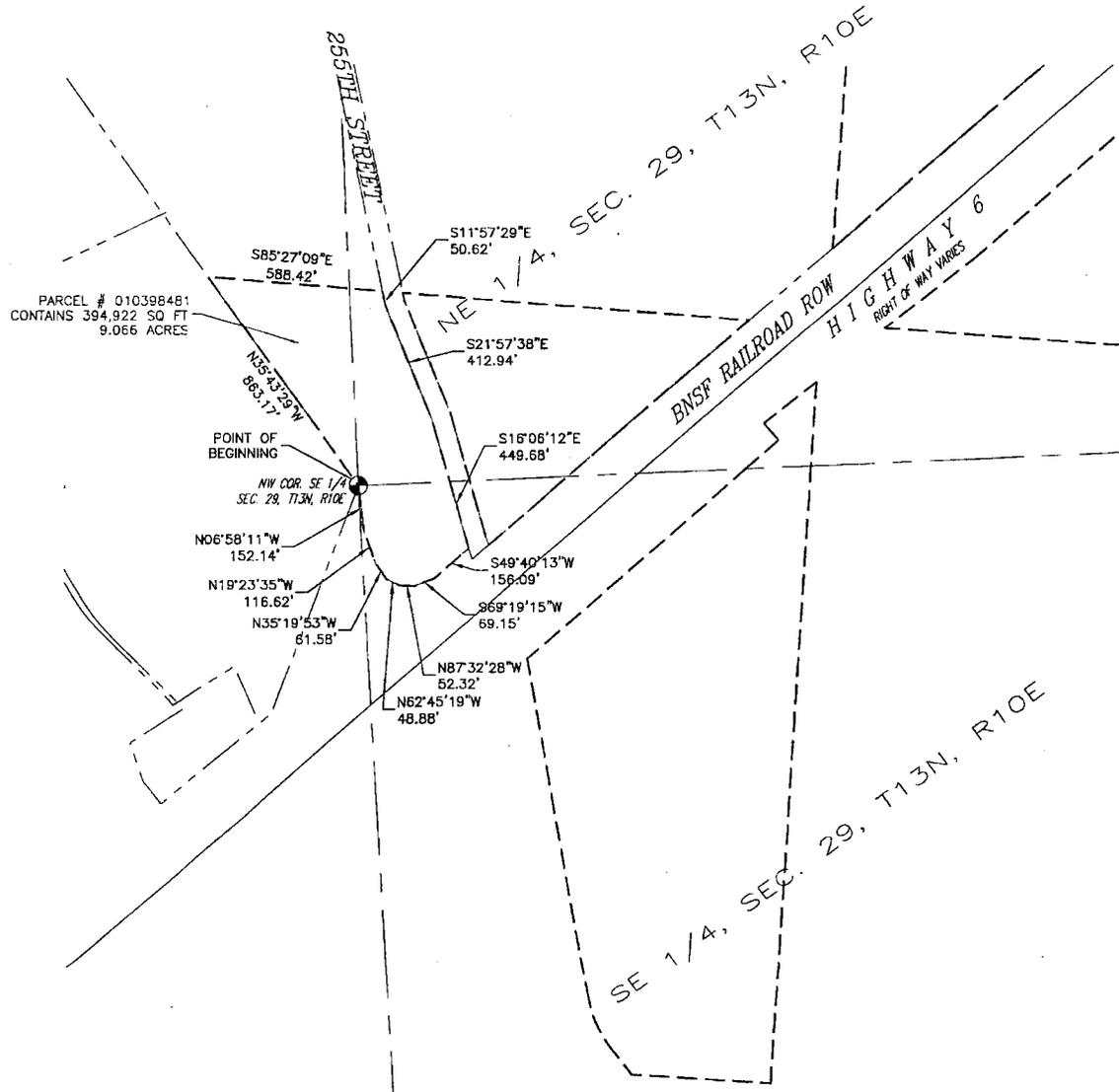
THENCE NORTH 06°58'11" WEST FOR 152.14 FEET TO THE POINT OF BEGINNING.

CONTAINS 394,922 SQUARE FEET OR 9.066 ACRES



LEGEND

- SECTION LINE
- LOT LINE
- SECTION CORNER
- - - - - REMOVAL AREA



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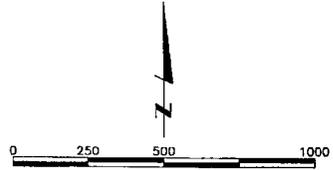
EXHIBIT DRAWING

REMOVAL AREA PARCEL # 010397809

LEGAL DESCRIPTION

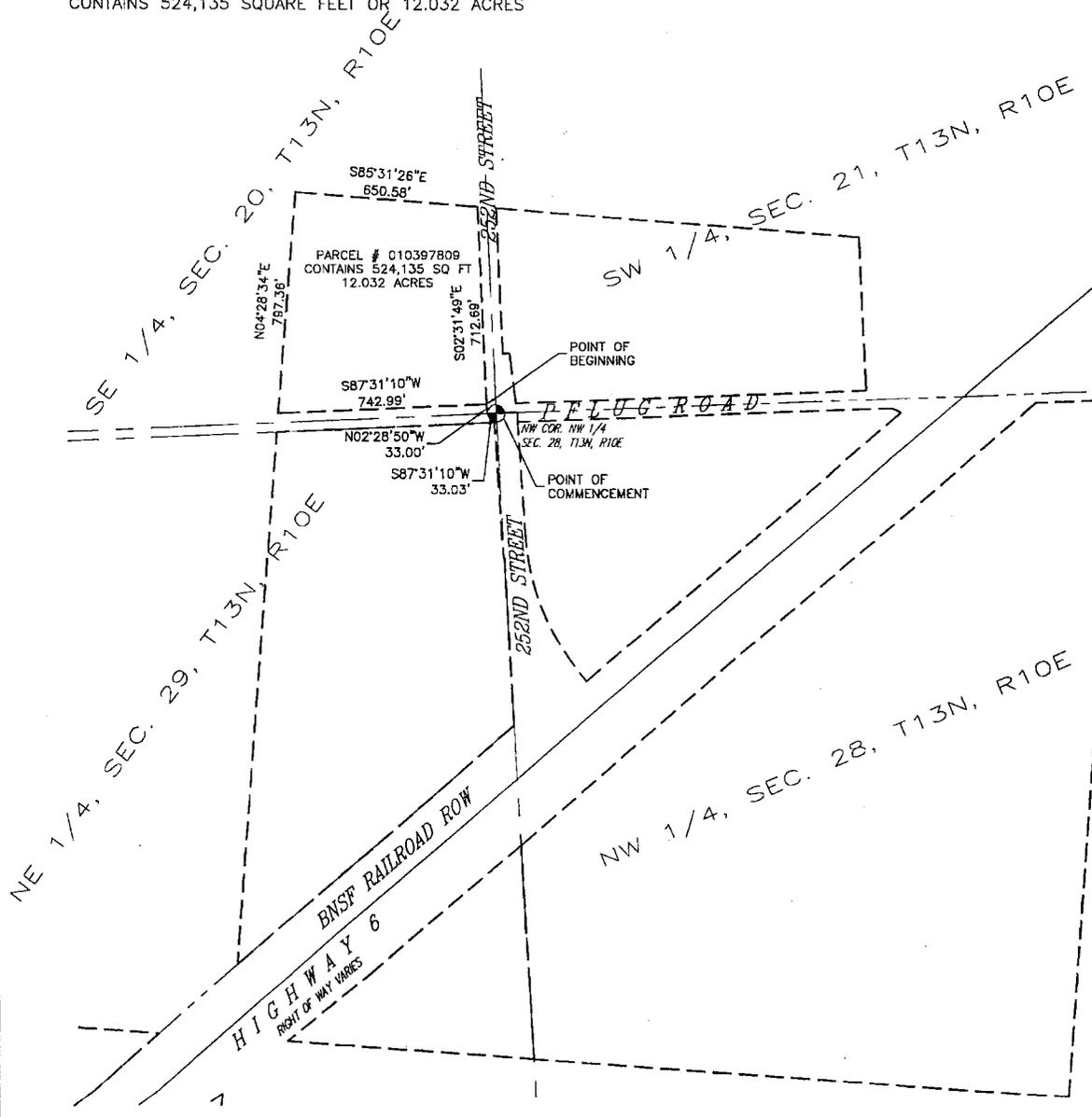
THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 20;
 THENCE SOUTH 87°31'10" WEST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 33.03 FEET ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 20;
 THENCE NORTH 02°28'50" WEST FOR 33.00 FEET TO THE INTERSECTION OF THE NORTH LINE OF PFLUG ROAD AND THE WEST LINE OF 252ND STREET AND THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 87°31'10" WEST FOR 742.99 FEET ON SAID NORTH LINE;
 THENCE NORTH 04°28'34" EAST FOR 797.36 FEET;
 THENCE SOUTH 85°31'26" EAST FOR 650.58 FEET TO THE WEST LINE OF 252ND STREET;
 THENCE SOUTH 02°31'49" EAST FOR 712.69 FEET TO THE POINT OF BEGINNING.
 CONTAINS 524,135 SQUARE FEET OR 12.032 ACRES



LEGEND

- SECTION LINE
- - - LOT LINE
- ⊙ SECTION CORNER
- - - - - REMOVAL AREA



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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 010397884

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21;

THENCE NORTH 87°55'32" EAST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 70.98 FEET ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21;

THENCE NORTH 02°04'38" WEST FOR 33.00 FEET TO THE INTERSECTION OF THE NORTH LINE OF PFLUG ROAD AND THE EAST LINE OF 252ND STREET AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 07°13'19" WEST FOR 180.20 FEET ON SAID EAST LINE;

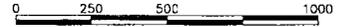
THENCE SOUTH 87°28'35" WEST FOR 23.50 FEET ON SAID EAST LINE;

THENCE NORTH 02°31'49" WEST FOR 525.58 FEET ON SAID EAST LINE;

THENCE SOUTH 85°31'26" EAST FOR 1300.92 FEET;

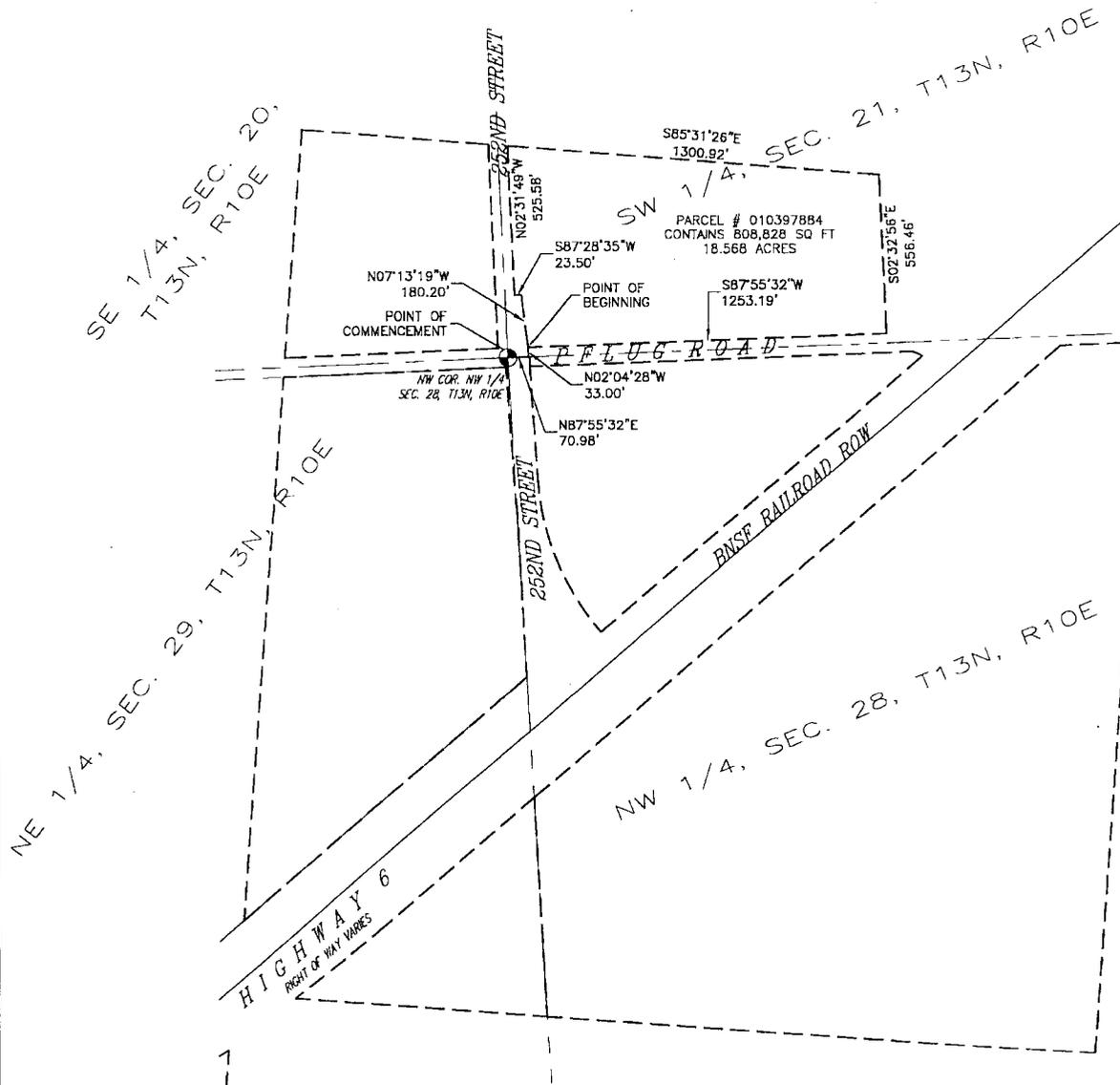
THENCE SOUTH 02°32'56" EAST FOR 556.46 FEET TO THE NORTH LINE OF PFLUG ROAD;

THENCE SOUTH 87°55'32" WEST FOR 1253.19 FEET TO THE POINT OF BEGINNING. CONTAINS 808,828 SQUARE FEET OR 18.568 ACRES



LEGEND

- SECTION LINE
- LOT LINE
- SECTION CORNER
- - - - - REMOVAL AREA



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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 011591642

LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 28;

THENCE NORTH 87°55'32" EAST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 74.53 ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28;

THENCE SOUTH 02°04'28" EAST FOR 33.00 FEET TO THE INTERSECTION OF SOUTH LINE OF PFLUG ROAD AND THE EAST LINE OF 252ND STREET;

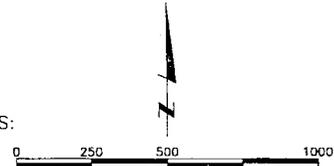
THENCE NORTH 87°55'32" EAST FOR 1338.01 FEET ON THE SOUTH LINE OF PFLUG ROAD TO THE NORTHERLY LINE OF THE BNSF RAILROAD RIGHT OF WAY;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 124.88 FEET AND A LONG CHORD BEARING SOUTH 64°25'12" EAST FOR 36.01 FEET) FOR AN ARC LENGTH OF 36.13 FEET;

THENCE SOUTH 49°33'36" WEST FOR 1477.94 FEET ON SAID NORTHERLY LINE TO THE EAST RIGHT OF WAY LINE OF 252ND STREET;

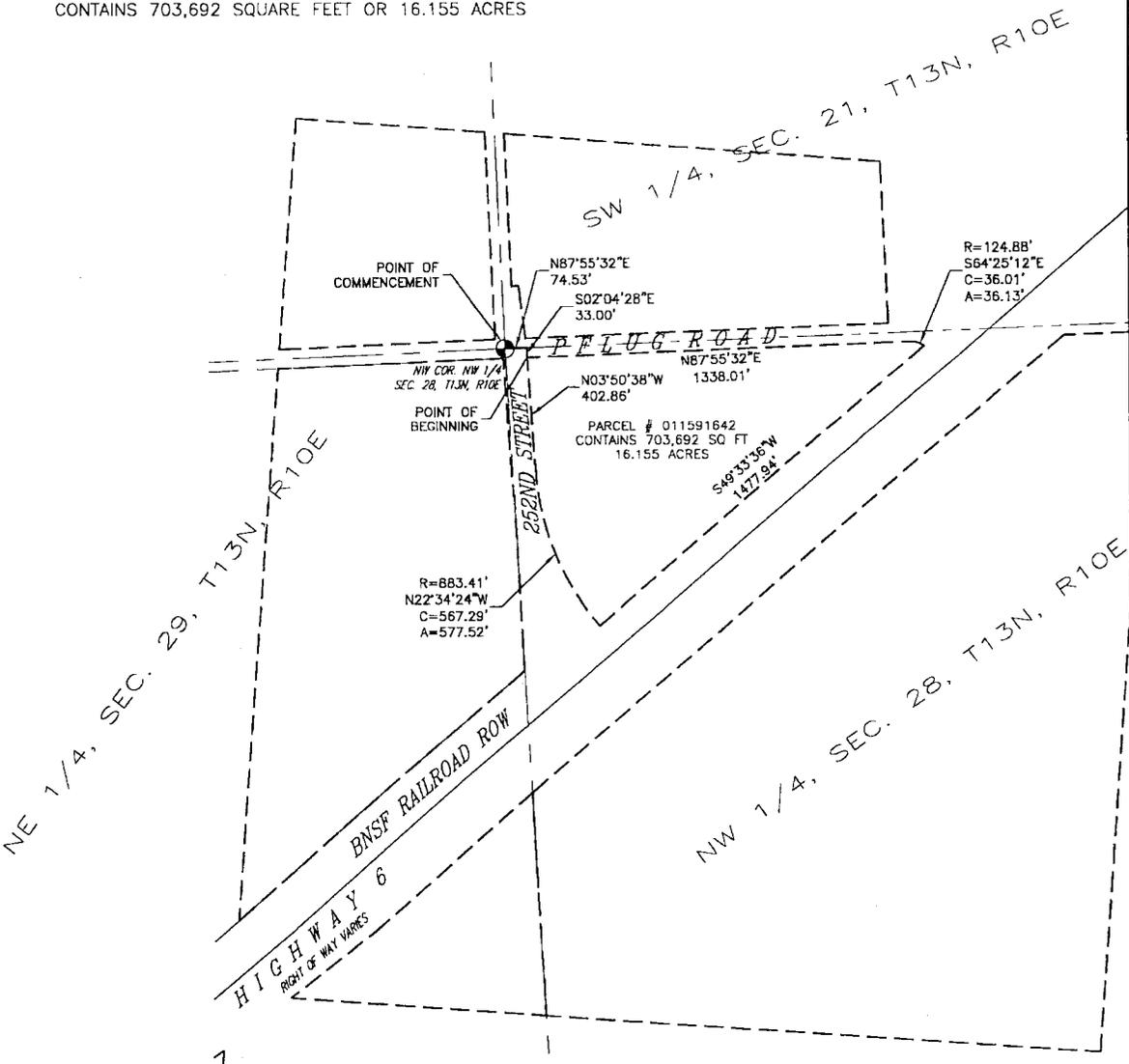
THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 883.41 FEET AND A LONG CHORD BEARING NORTH 22°34'24" WEST FOR 567.29 FEET) FOR AN ARC LENGTH OF 577.52 FEET ON SAID EAST RIGHT OF WAY LINE;

THENCE NORTH 03°50'38" WEST FOR 402.86 FEET TO THE POINT OF BEGINNING.
CONTAINS 703,692 SQUARE FEET OR 16.155 ACRES



LEGEND

- SECTION LINE
- - - LOT LINE
- ⊕ SECTION CORNER
- - - - REMOVAL AREA





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EXHIBIT DRAWING

REMOVAL AREA PARCEL # 010403132

LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 28;

THENCE SOUTH 03°05'32" EAST (BEARINGS REFERENCED TO NEBRASKA STATE PLANE NAD83) FOR 1533.36 FEET ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28 TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 6 AND THE TRUE POINT OF BEGINNING;

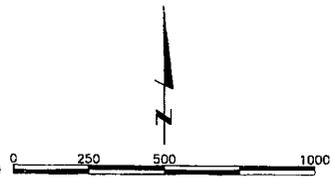
THENCE NORTH 49°33'36" EAST FOR 2420.13 FEET ON THE SOUTH LINE OF SAID HIGHWAY RIGHT OF WAY TO THE SOUTH LINE OF PFLUG ROAD;

THENCE NORTH 87°55'32" EAST FOR 295.71 FEET ON SAID SOUTH LINE;

THENCE SOUTH 04°22'43" WEST FOR 2492.74 FEET;

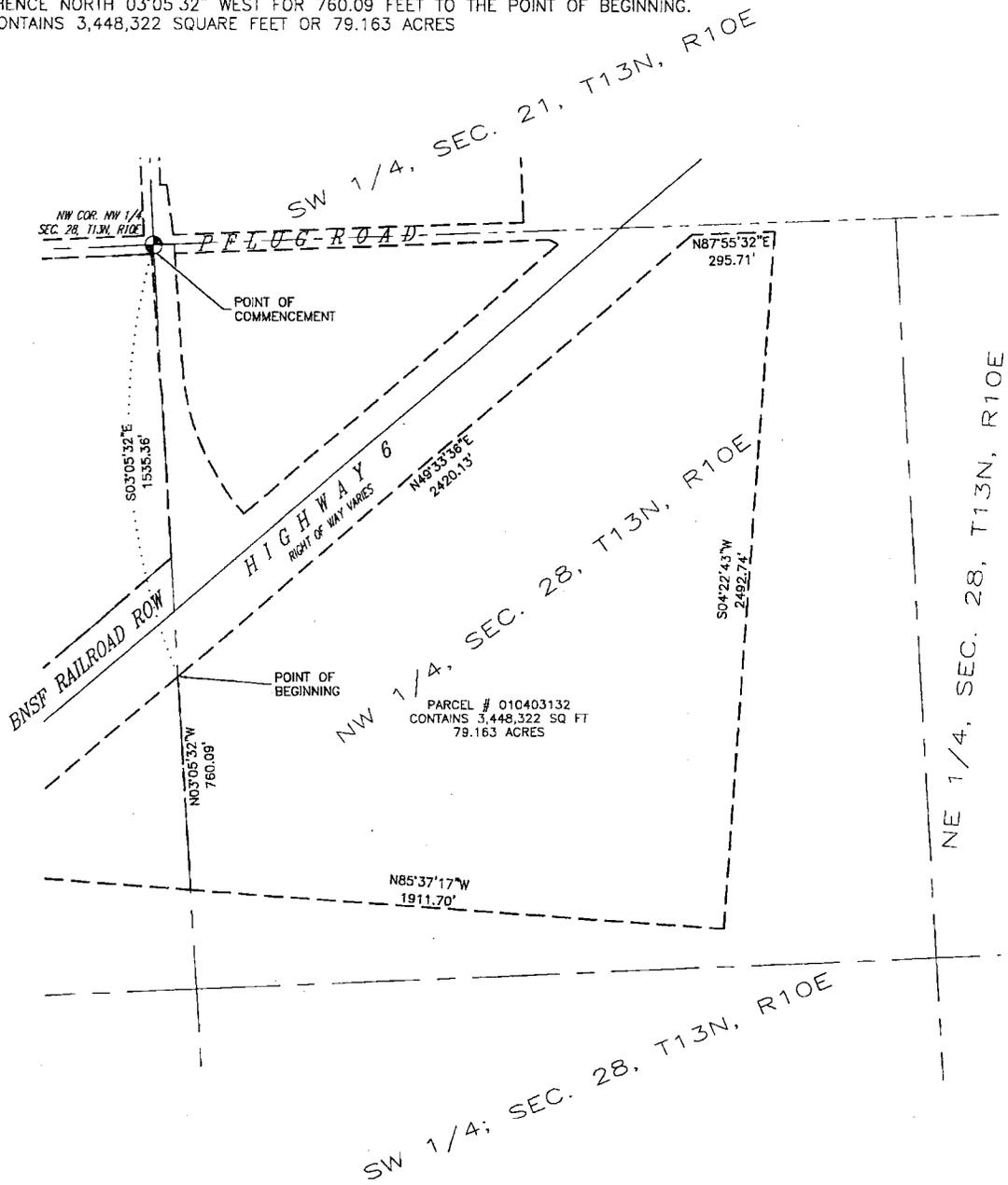
THENCE NORTH 85°37'17" WEST FOR 1911.70 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28;

THENCE NORTH 03°05'32" WEST FOR 760.09 FEET TO THE POINT OF BEGINNING.
CONTAINS 3,448,322 SQUARE FEET OR 79.163 ACRES



LEGEND

- SECTION LINE
- - - LOT LINE
- ⊕ SECTION CORNER
- - - REMOVAL AREA





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