

MINUTES OF PLANNING & ZONING COMMISSION
NOVEMBER 18, 2010
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Craig Wietjes opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on November 18, 2010. Present were: Karin Covalt, Ken Erickson, Marlin Heiden, Gwen Stengel and Craig Wietjes. Absent: Willie Keep, Leonard Skov, Paul Steinbrink, Sr. and Loye Wolfe. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and one member of the public.

Wietjes announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act and a copy is posted as required by law.

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one.

The public forum was opened at 7:00 P.M. No one was present to address the Commission. The public forum closed at 7:00 P.M.

There is a conservation easement between Dennis P. Sherrerd, Trustee of the Dennis P. Sherrerd Revocable Trust dated March 24, 1999, Christine J. Sherrerd, Trustee of the Christine J. Sherrerd Revocable Trust dated March 24, 1999 and Richard M. Clark, Trustee of the Richard M. Clark and Donna J. Clark Trust, and Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee, that was referred to the Planning & Zoning Commission from the Buffalo County Board of Supervisors November 9, 2010 board meeting. According to Nebraska Rev. Stat. 76-2, 112 the local planning commission has 60 days to provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission. Attorney Dan Bahensky was present to represent the Platte River Recovery Implementation Foundation.

Bahensky said this agreement had been negotiated between parties and the property is located in Center Township north of the Buffalo-Kearney County line.

Stengel asked what happens to the taxes for this property.

Bahensky replied the land is still owned by private individuals and the taxes will continue to be paid.

The purpose of these conservation easements are to keep this property from being irrigated and preserve this land from development.

It was moved by Erickson, seconded by Heiden to forward the conservation easement between Dennis P. Sherrerd, Trustee of the Dennis P. Sherrerd Revocable Trust dated March 24, 1999,

Christine J. Sherrerd, Trustee of the Christine J. Sherrerd Revocable Trust dated March 24, 1999 and Richard M. Clark, Trustee of the Richard M. Clark and Donna J. Clark Trust, and Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee, to the County Board with a favorable recommendation on a tract of land described as follows:

Lot Three (3), located in Section Twenty-One (21) AND
Lot Eight (8) and all accretions attaching to and deriving from Lot 8 lying East and South of the geographical centerline of the Platte River as shown on a survey conducted by Wayne A. Humphrey, R.L.S. 224, dated December 5,6,and 13, 1988; and lying East and South of a line described in 'Exhibit "A"', attached to a Boundary Line Agreement, filed for record at the Buffalo County Register of Deeds Office, Kearney, Nebraska (Instrument Number 2010-3916), located in Sections Seventeen (17) and Twenty (20) AND
Lot Ten (10), Section Sixteen (16) and all accretions attaching to and deriving from Lot 10 lying south of a channel near the center of the Platte River and West of the north/south quarter section line running through said Section 16
ALL LOCATED in Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian (6th P.M.), Buffalo County, Nebraska, said lots as surveyed by Frank J. Green, Buffalo County Surveyor, on February 13-24, 1939, the exterior limits of which are more particularly described as follows:

REFERRING to the quarter corner between Sections Twenty (20) and Twenty-One (21), (found 1 1/4 inch pipe); thence, on a GPS Derived Bearing of North 00°12'34" West, on section line, a distance of 1640.83 feet to the Northeast Corner of Government Lot Seven (7), located in said Section 20 (Found 5/8 inch rebar); thence North 01°21'33" West, on section line a distance of 48.17 feet to the southeast corner of Lot Eight (8), Section 20, as surveyed by Frank J. Green, on February 13-24, 1939 ("Green Survey") (reset), also being the **Point of Beginning**; thence North 00°14'32" West on the east line of said Lot 8, Section 20, a distance of 339.10 feet to the north corner of Lot Six (6), Green Survey, (found Concrete Marker); thence South 88°10'59" East on the south line of Lot Three (3), Section 21, Green Survey, a distance of 1329.90 feet to the east corner of Lot 6, Green Survey (Set 5/8 inch by 36 inch, capped rebar); thence North 75°24'43" East on the south line of said Lot 3, a distance of 1361.70 feet to the southeast corner of said Lot 3 (found Concrete Marker); thence North 00°50'40" West on the east line of said Lot 3, a distance of 346.90 feet to the quarter corner between Sections 16 and 21, also being the northeast corner of said Lot 3 (found Concrete Marker); thence North 00°47'21" West on the east line of Lot 10, Section 16, Green Survey, a distance of 691.03 feet to the northeast corner of said Lot 10 (found Concrete Marker); thence North 01°00'50" West a distance of 1130.27 feet to a point of intersection of the north/south quarter section line through Section 16 with the south high bank of an existing channel near the center of the Platte River (set 5/8 inch by 36 inch, capped rebar) from which the thread of stream of the Platte River Channel bears North 00°55'43" West a distance of 70.36 feet; thence South 88°16'58" West, on said south high bank, a distance of 342.80 feet to a 5/8 inch by 36 inch, capped rebar (set); thence North 87°06'34" West a distance of 193.26 feet to a 5/8 inch by 36 inch, capped rebar (set); thence South 61°04'28" West a distance of 89.50 feet to a 5/8 inch by 36 inch, capped rebar (set); thence South 83°30'11" West a distance of 313.99 feet to a 5/8 inch by 36 inch, capped rebar (set); thence South 80°36'00" West a distance of 1000.64 feet to a 5/8 inch by 36 inch, capped rebar (set); thence North 55°12'07" West a distance of 484.52 feet to a 5/8 inch by 36 inch, capped rebar (set); thence North

80°00'24" West a distance of 382.83 feet to a 5/8 inch by 36 inch, capped rebar (set), marking the point of intersection of the south high bank of the Platte River Channel with a line of fence running north on the north side of the river channel, if extended south, from which the thread of stream of the Platte River Channel bears North 00°10'54" East a distance of 219.44 feet; thence leaving said south high bank, on a bearing of South 00°10'54" West a distance of 159.08 feet to the east terminus of a line surveyed by Brian L. Langenberg, R.L.S. 546, shown on a survey filed for record at the Buffalo County Register of Deeds Office, Kearney, Nebraska, Instrument Number 2010-3916, titled 'Exhibit "A"', dated June 15, 2010 (found capped rebar); thence continuing of said Langenberg surveyed line, on a bearing of South 58°49'17" West a distance of 534.16 feet to a capped rebar (found); thence South 82°00'40" West, a distance of 215.20 feet to a capped rebar (found); thence North 87°18'12" West a distance of 971.32 feet to a point of intersection of an existing fence line to the north with the geographical centerline of the Platte River, as shown on a 1988 survey conducted by Wayne A. Humphrey, R.L.S. 224, also being the west terminus of the line surveyed by Langenberg; thence on said Humphrey geographical centerline, on a bearing of South 73°12'57" West a distance of 271.32 feet to a 5/8 inch rebar (found); thence South 48°30'13" West a distance of 164.21 feet to a 5/8 inch rebar (found); thence South 83°50'40" West a distance of 472.08 feet (Corner Fence Post); thence South 85°33'29" West a distance of 259.26 feet to a 5/8 inch rebar (found); thence leaving said Humphrey geographical centerline, on a bearing of South 04°52'14" East on a surveyed line as shown of said Humphrey Survey, a distance of 2075.49 feet to the Northwest Corner of Government Lot 7, Section 20 (found 5/8 inch rebar); thence North 83°48'06" East a distance of 99.42 feet to the center line of the South Channel of the Platte River as shown on the 1939 Frank J. Green survey (found 5/8 inch rebar); thence South 59°04'17" East on said South Channel center line, a distance of 452.23 feet to a 5/8 inch rebar (found); thence South 73°19'30" East a distance of 186.82 feet to a 5/8 inch rebar (found); thence North 82°34'09" East a distance of 470.06 feet; thence North 76°10'55" East a distance of 256.44 feet to a 5/8 inch rebar (found); thence South 75°46'56" East a distance of 438.07 feet to a Concrete Marker (found); thence North 87°50'17" East a distance of 339.31 feet to a 5/8 inch rebar (found); thence North 80°39'27" East a distance of 482.27 feet to a 5/8 inch rebar (found); thence North 76°49'46" East a distance of 32.74 feet to the **Point of Beginning**.

Containing a calculated area of 296.97 acres, more or less, **WITH AN ADDITIONAL 7.4 acres** of river bed lying adjacent thereto, being located between the south high bank of the river as described above and the thread of the channel near the center of the Platte River, totaling 304.37 acres more or less. Subject to all restrictions and conditions of record.

Voting yes were Erickson, Heiden, Covalt, Stengel and Wietjes. Voting no: none. Absent: Keep, Skov, Steinbrink and Wolfe.

Old Business: Moved by Stengel, seconded by Covalt to approve the minutes of the October 21, 2010 as corrected, correcting page 3, 14th paragraph, west to east. Voting yes: Stengel, Covalt, Erickson, Heiden and Wietjes. Voting no: none. Absent: Keep, Skov, Steinbrink and Wolfe. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings.

Other items were also discussed.

The next meeting of the Planning & Zoning Commission will be December 16, 2010 at 7:00 P.M. at the Highway Department.

Moved by Covalt to adjourn at 7:25 P.M.