

**ALLIANCE, NEBRASKA**  
**PLANNING COMMISSION MEETING**  
**Alliance Learning Center- Meeting Room C**  
**1750 Sweetwater Avenue**  
**February 11, 2025- 5:30 p.m.**  
**AGENDA**

- **Call to Order**
- **Roll Call**
- **Open Meetings Act Announcement**

For the public's reference a copy of the Open Meetings Act has been posted on the north wall of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.

- **Pledge of Allegiance**

**A. Approval of Meeting Minutes- December 10, 2024**

**B. Final Plat – Public Hearing  
Karell Addition**

Now is the date, time, and place to conduct a public hearing on the proposed Final Plat Application for Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box Butte County, Nebraska.

Now is the date, time, and place to act on the proposed Final Plat Application for Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box Butte County, Nebraska.

**C. Annexation – Public Hearing  
Westco**

Now is the date, time, and place to conduct a public hearing for the proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807.

Now is the date, time, and place to act on the proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807.

- **Adjournment**

Respectfully submitted,



Katherine Conrad  
Planning Commission Administrative Secretary

# Item A

## Approval of Meeting Minutes

December 10, 2024

## ALLIANCE PLANNING COMMISSION

REGULAR MEETING, TUESDAY DECEMBER 10, 2024

The Alliance Planning Commission met at their Regular Meeting Tuesday, December 10, 2024 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on November 27, 2024. The notice stated the date, time, and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection in the Community Development Office at City Hall; provided the Commissioners could modify the agenda at the meeting if it determined an emergency so required. A copy of the agenda had been delivered to each of the Planning Commission Members. An agenda, kept continuously current, was available for public inspection at the Community Development Office during regular business hours from the publication of the notice to the time of the meeting.

Chairman Davis opened the December 10, 2024 Regular Meeting of the Alliance, Nebraska Planning Commission at 5:30 p.m. Present were Board Members Vickie Mattox, Richard Arndt, Ray Hielscher, Evan Mehne, and Wayne Davis. Also present were Community Development Director Brent Kusek and Administrative Secretary Katherine Conrad. Absent were Board Members Rick Turman and Nancy Reiber.

A motion was made by Board Member Mehne, which was seconded by Board Member Arndt to excuse Board Members Turman and Reiber from the December 10, 2024 Planning Commission Meeting.

Roll call vote with the following results:

Voting Aye: Hielscher, Mattox, Arndt, Mehne, and Davis.

Voting Nay: None.

Motion Carried.

- The first item on the agenda was the review and approval of the June 11, 2024 Planning Commission Meeting minutes.

A motion was made by Board Member Hielscher, which was seconded by Board Member Mehne to approve the June 11, 2024 Meeting Minutes as presented.

Roll call vote with the following results:

Voting Aye: Arndt, Hielscher, Mattox, Mehne and Davis.

Voting Nay: None.

Motion Carried.

- The second item on the agenda was the proposed Preliminary Plat for the Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, Alliance, Box Butte County, Nebraska.

[The City of Alliance is in receipt of an application for the proposed Preliminary Plat for the Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, Alliance, Box Butte County, Nebraska. Staff has provided the following exhibits for the Planning Commissions review:

1. Application for Preliminary Plat;
2. Notification Letter to Alliance Public Schools;
3. Notification Letters to non-city utility companies;
4. Karell Preliminary Plat;
5. Land Use Comprehensive Plan Pages;
6. Neighborhood Comprehensive Plan Pages;
7. Transportation Comprehensive Plan Pages;
8. C-3, Heavy Commercial, District Permitted Uses;
9. Staff Report.]

Chairman Davis opened the Public Hearing at 5:32 p.m., asking anyone in favor or not in favor of the Preliminary Plat to come forward and comment.

Larry Miller, Attorney for the Applicant, 824 Yellowstone, came forward to speak in favor of the Preliminary Plat letting Board Members know that the land has been sitting vacant and Mr. Karell is looking to improve and grow the area. Mr. Miller stated in reference to the dead-end alley Mr. Karell is willing to put in a 40' box for turn around but in the future if the alley is ever extended to the South they would like 20' of it to be given back to the adjacent property owner.

Board Member Mattox asked Community Development Director Kusek if it was already in the Comprehensive Plan to have the alley join highway 385. Mr. Kusek informed her the alley runs North and South so it would not connect to highway 385 but W 6<sup>th</sup> Street does.

With no further testimony offered, Chairman Davis closed the Public Hearing at 5:34 p.m.

A motion was made by Board Member Mehne, which was seconded by Board Member Mattox to recommend approval of the proposed Preliminary Plat for the Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, Alliance, Box Butte County, Nebraska

conditional on a 40' x 40' cul-de-sac being dedicated at the south end of the alley for a turnaround.

Roll call vote with the following results:

Voting Aye: Arndt, Hielscher, Mattox, Mehne, and Davis.

Voting Nay: None.

Motion Carried.

- The third item on the agenda was the review and adoption of amendments to the bylaws of the Planning Commission.

Community Development Director Kusek explains the proposed changes to the Planning Commission bylaws.

The Board Members were not able to act on the bylaws due to a lack of a super majority vote with only five members in attendance.

Chairman Davis stated, "There being no further business to come before the Alliance Planning Commission, the meeting is adjourned at 6:43 p.m."

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Wayne Davis,  
Planning Commission Chairman

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Katherine Conrad  
Administrative Secretary

Item B

Public Hearing

Final Plat Application

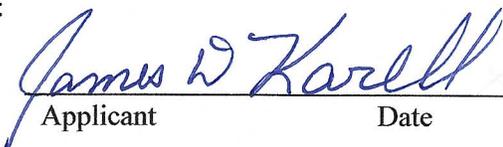
Karell Addition

# Application for Final Plat



Building the Best Hometown in America®

City of Alliance  
 Community Development Department  
 P.O. Box D – 324 Laramie Avenue  
 Alliance, NE 69301  
 308-762-5400 / Fax 308-762-7848

Name of Applicant James Karell		Daytime Phone # 308-760-0386	
Address 656 W 20th	City Alliance	State / Zip NE 69301	
Name of Property Owner <i>(Owner of Record ONLY)</i> Karell Remodeling Services and Properties, Inc		Daytime Phone # 308-760-0386	
Address 656 W 20th	City Alliance	State / Zip NE 69301	
Name of Property Owner <i>(Owner of Record ONLY)</i> NA		Daytime Phone #	
Address	City	State / Zip	
Reason for requesting _____ a _____ Final Plat _____			
The applicant hereby consents to the provisions of Chapter 107 of the Alliance Municipal Code. A summary of the submittal requirements has been included on the final pages of this application. To ensure timely processing, please make sure that all required material has been submitted with the application and all necessary information is shown on the Final Plat.			
Signatures:			
 Applicant		Karell Remodeling Services and Properties, Inc. 1-2-25 Owner of Record	
_____	_____	_____	_____
Applicant	Date	Owner of Record	Date

**Shaded Area for Office Use Only**

Date Received <u>Jan 6, 2025</u>	Filing Fee - \$150.00 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Received By <u>KCOHRAD</u>
Total Acreage or Sq. Footage <u>9.14 ACRES</u>	Mylar / 7 Paper Copies Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing <u>FEB 11, 2025</u>
Receipt # _____	Zoning District _____	Number of Lots <u>4</u>

Has a variance, rezoning, or a conditional use permit been granted for this property?  Yes  No

If yes, list the case number \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

**CHECKLIST - (Items to be included on the Final Plat)**

<input checked="" type="checkbox"/> 1) 1 Mylar and 7 paper copies.	<input checked="" type="checkbox"/> 9) Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the centre of the block.
<input checked="" type="checkbox"/> 2) Prepared by a Surveyor licensed by the State of Nebraska.	<input checked="" type="checkbox"/> 10) The exact locations, widths, and names of all streets to be dedicated.
<input checked="" type="checkbox"/> 3) Scale of 1" = 100' or a scale that is easily read and reproduced.	<input checked="" type="checkbox"/> 11) Locations and width of all easements to be dedicated and their designated purpose.
<input checked="" type="checkbox"/> 4) Sheet size of at least 8.5" X 14" but no more than 24' X 36".	<input checked="" type="checkbox"/> 12) Building lines on front and side streets in residential areas, including dimensions.
<input checked="" type="checkbox"/> 5) The name of the subdivision present on the plat.	<input checked="" type="checkbox"/> 13) Name and address of developer, surveyor making the plat, and the owners of record at the time of submittal, plus any lien or mortgage holders of record at the time of submittal.
<input checked="" type="checkbox"/> 6) Descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second-order-surveying accuracy. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines and the square foot area of each lot.	<input checked="" type="checkbox"/> 14) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north arrow.
<input checked="" type="checkbox"/> 7) Location of boundaries shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.	<input checked="" type="checkbox"/> 15) Statement dedicating all easements, lots or tracts, streets, and other public property, properly signed and acknowledged by appropriate persons, surveyors, certification, and other language as shown on the following page.
<input checked="" type="checkbox"/> 8) Location of lots, streets, public highways, alleys, parks, and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.	<input checked="" type="checkbox"/> 16) A Surveyors certificate stating that permanent monuments have been or shall be placed at all boundary, block, and lot corners. The certificate shall be executed by a registered land surveyor licensed in the State of Nebraska.



Legal Description:

Part of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section 34 and part of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box Butte County, Nebraska, more particularly described as follows:

With reference to the southwest corner of said SW1/4NW1/4; thence on the west line of said SW1/4NW1/4 N0°27'17"E (basis of bearing) a distance of 606.00 feet to the intersection of said west line with the south line of a 50 foot drainage easement recorded in Deed Book 46, Page 478; thence, at right angles to said west line, on said south line S89°32'43"E, a distance of 441.79 feet to the intersection of said south line with the southerly extension of the east line of a tract of land described in Deed Book 64, Page 255, said point being the POINT OF BEGINNING of this description; thence on said extension and on said east line N1°46'43"E a distance of 389.91 feet to the northeast corner of said tract; thence on the north line of said tract and on the extension of said north line N88°13'53"W a distance of 450.91 feet to the intersection of said extension line with said west line of said SW1/4NW1/4; thence continuing on said extension line N88°13'53"W a distance of 8.85 feet to a point on the east right-of-way (ROW) line of US Highway 385; thence on said ROW line N1°47'39"E a distance of 265.25 feet to the intersection of said ROW line with the south ROW line of West 6th Street; thence on said south ROW line N89°57'36"E a distance of 2.65 feet to a point on said west line of said SW1/4NW1/4; thence continuing on said south ROW line N89°57'36"E a distance of 837.38 feet to the intersection of said south ROW line with the west ROW line of Ramblin Road; thence on said west ROW line S1°48'22"W a distance of 299.21 feet; thence continuing on said west ROW line a distance of 273.71 feet on a tangent curve to the left, said curve having a radius of 501.586 feet, an included angle of 31°15'57", and a long chord bearing of S13°49'38"E a distance of 270.33 feet; thence continuing on said west ROW line, tangent to foresaid curve S29°29'41"E a distance of 128.88 feet to the intersection of said west ROW line with the extension of said south line of said 50 foot drainage easement; thence on said extension of said south line and on said south line N89°32'43"W a distance of 519.54 feet to the point of beginning, containing 9.14 acres more or less.

OWNER'S STATEMENT:

The undersigned, being the Owner of the tract of land described in the foregoing Legal Description and shown on the accompanying plat, have caused such real estate to be platted as and shall be hereafter known as: LOTS 1, 2, 3, & 4, KARELL ADDITION, TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, as shown on the accompanying plat. It shall be sufficient description of the lots on this plat to hereafter designate the same by the number appearing near the center of the lot followed by the words: KARELL ADDITION, TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

The alleys and easements are hereby dedicated to the use and benefit of the public. Building lines are hereby established as shown on this plat.

The foregoing plat is made with our free consent and in accordance with the desires of the undersigned Owner.

In testimony whereof, the undersigned have hereunto set their hands this 2 day of January, 2025.

*James D Karell*  
Jim Karell, President  
Karell Remodeling Services and Properties, Inc.

ACKNOWLEDGMENT

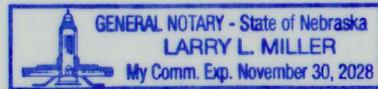
STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF BOX BUTTE )

Before me, a notary public, qualified and acting in said County, personally came Jim Karell, President, Karell Remodeling Services and Properties, Inc., known to me to be the identical person who signed the foregoing "Owner's Statement" and acknowledged the execution thereof to be his voluntary act and deed.

WITNESS MY HAND AND NOTARIAL SEAL

this 2 day of January, 2025.

*[Signature]*  
Notary Public



My Commission Expires: Nov 30, 2028

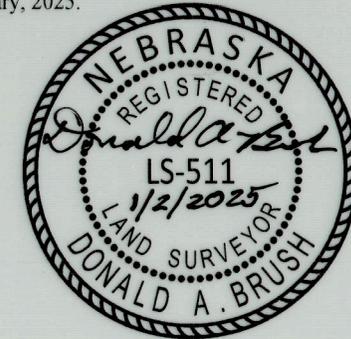
Note: See Sheet 1 of 2 for layout of plat.

SURVEYOR'S CERTIFICATE:

I, Donald A. Brush, Nebraska Registered Land Surveyor Number 511, duly registered under the Land Surveyor's Regulation Act, do hereby certify that, between July 11, 2024, and July 26, 2024, I have performed a survey of the land depicted on the accompanying drawing; that said drawing is a correct delineation of said survey performed by me 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 Minimum Standards for Surveys in Nebraska in effect at the time of this survey.

WITNESS MY HAND AND SEAL this 2nd day of January, 2025.

Donald A. Brush  
Nebraska Registered Land Surveyor Number 511



APPROVAL AND ACCEPTANCE:

The foregoing plat was approved by the Planning Commission of the City of Alliance, Nebraska. Approved this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Planning Commission Chairman,

The foregoing plat and dedication was approved and accepted by the City Council of the City of Alliance, Nebraska.

Approved this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Ordinance No.

\_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Final Plat of  
LOTS 1, 2, 3, & 4  
KARELL ADDITION,  
to the City of Alliance, Box Butte County, Nebraska.

**Community Development Staff Report - Brent Kusek**

**Applicant:** Karell Remodeling Services and Properties Inc.  
656 West 20<sup>th</sup> Street  
Alliance, NE 69301

**Property**

**Owners:** Same as Applicant

**Surveyor:** Panhandle Land Surveying  
Donald Brush  
870 SB Road  
Morrill, NE 69358

**Proposal:** The request is to plat Karell Addition to the City of Alliance, Box Butte County, Nebraska.

**Legal Description:** A 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34, and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box Butte County, Nebraska.

**Location:** The proposed plat is located at the southwest corner of West 6<sup>th</sup> Street and Ramblin Road.

**Planning Analysis:**

**Zoning:** The proposed subdivision is zoned C-3, Heavy Commercial. It is adjacent to Ag, Agriculture zoning to the west, R-4, Atypical Residential Housing and C-3 Heavy Commercial to the north, R-1a, Single Family Residential and C-3 Heavy Commercial to the east, and C-3 Heavy Commercial to the south. The zoning is not proposed to change as part of this subdivision nor is it recommended to change in the 2022-2023 Comprehensive Plan (LU 10).

**Transportation:** The subdivision is bordered by Nebraska State Highway 2 / US Highway 385 to the west, West 6<sup>th</sup> Street to the north, and Ramblin Road to the east. There are not any proposed streets but there is proposed an approximately 650 foot alley north and south through the subdivision. Highway 2 is a principal arterial and Ramblin Road has begun to function as a minor arterial since the construction of the W 10<sup>th</sup> Street overpass (Transportation Pg. 2). West 6<sup>th</sup> Street is not paved but it would provide access between Ramblin Rd. and Highway 2 if it were. Ramblin Rd. and Highway 2 would be able to accommodate additional traffic from development of the proposed commercial lots.

**Land Use:** The proposed subdivision is currently used for farming. The proposed land use of Lot 3 is camper storage, Lot 2 is cold storage, and Lot 1 is storage. Lot 4s proposed land use is currently unknown. Camper storage will require a Conditional Use Permit. The proposed subdivision is bordered by single family homes to the north, agriculture to the west, a tree trimming and landscaping business to the south, storage units and vacant land to the east (LU 3).

**Lot Size/Area:** There aren't any minimum or maximum lot size requirements in the C-3 Heavy Commercial Zoning District (Section 109-51).

**Setbacks:** The lots are currently undeveloped and the proposed plat will not create any new non-conforming yards or structures.

**Easements:** The plat creates a 20 foot wide utility easement along the east side of proposed Lots 1, 2, and 3 for water main extension. It is a general utility easement so other utilities may co-locate there.

**Rights of Way:** The plat will create a 20 foot wide alley between proposed Lots 1-3 and the land to the west. This is primarily to replace an easement for a sanitary sewer trunk main installed in 1968. The alley dead ends at the south end of the proposed subdivision in a cul de sac.

**Comprehensive Plan:** The proposed subdivision is located in the West Gateway Neighborhood as identified on page Land Use 5 (LU5) of the Comprehensive Plan. It is described as "an eclectic mix of uses and functions. As the primary gateway into the community, the overarching theme of the area is difficult to grasp. The lack of continuity between uses and streetscape conditions detracts from the initial impression of the community." The Plan doesn't recommend any rezones in this particular tract of land and it was zoned commercial before the Plan was adopted. Subdividing this land would not detract from the overall commercial nature of the neighborhood and permit additional commercial development.

**Plat Review:** The Final Plat was reviewed by City Staff to ensure conformance with Section 107-82 of the Alliance Municipal Code. The Final Plat contains all of the necessary components required by that section of code.

**Public Works Elements:** Water main extension is required along Ramblin Road. As of the date of writing this staff report, we have not received the public works elements including engineering drawings or performance guarantees. These need to be submitted and reviewed by staff before final approval of the plat.

**Staff Comments:** The dead-end alley was revised to include a 40' x 40' cul de sac for traffic to turn around.

**Findings of Fact:**

To Recommend

- The subdivision would permit additional commercial development along Ramblin Road and Nebraska Highway 2.
- The commercial subdivision is consistent with the neighborhood identification in page LU 9 as commercial.
- The Final Plat contains all components required by Section 107-82 of the Alliance Municipal Code.
- Transportation routes along the west and east lot lines would provide sufficient access to the proposed lots.
- The subdivision meets the minimum requirements of Section 109-51 C-3, Heavy Commercial District (zoning) of the Alliance Municipal Code.

Not to Recommend:

- West 6<sup>th</sup> Street is not paved.
- Staff has not received the public works elements portion of the project.

**Staff Recommendation:**

The Planning Commission recommend approval of the Final Plat of Karell Addition to the City of Alliance, Box Butte County, Nebraska provided the public works elements be submitted and approved by staff before final approval.



**Building the Best Hometown in America®**

January 27, 2025

Alliance Public Schools  
1604 Sweetwater Avenue  
Alliance, NE 69301

Dear Representative of Alliance Public Schools,

The City is in receipt of an application for a Final Plat from James Karell for Karell Addition, a 9.14 tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, Alliance, Box Butte County, Nebraska. The Alliance Planning Commission will conduct a public hearing on February 11, 2025 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue, to obtain public comment on the proposed Preliminary and Final Plats.

If you have any comments, questions or an official response pertaining to the Final Plat before the public hearing, please forward them to the City of Alliance Community Development Department office at (308)762-5400 or visit us at 324 Laramie Avenue. Our office hours are Monday through Friday 8 a.m. to 5 p.m.

Sincerely,

Katherine Conrad  
Administrative Secretary  
Community Development Department



**Building the Best Hometown in America®**

City of Alliance ~ P.O. Box D ~ Alliance, NE 69301 ~ 308-762-5400  
[www.CityOfAlliance.net](http://www.CityOfAlliance.net)



Item C

Public Hearing

Westco/Jirdon Annexation

Western Cooperative Corporation  
P.O. Box H  
Alliance, Nebraska 69301

December 13, 2024

City of Alliance  
Community Development Department  
P.O. Box D  
Alliance, NE 69301

RE: Annexation Request

Dear Mr. Kusek,

Please consider this letter as a Request by Petition that the City of Alliance ("City") include property owned Jirdon Agri-Chemicals to be annexed in to the corporate limits of the City. This request is made pursuant to §16-117 of the Nebraska Revised Statutes.

The property for which annexation is requested is described in the survey attached hereto as Exhibit A.

In making this request, Petitioner does not waive the requirements of §16-120 of the Nebraska Revised Statutes, as these services are being provided to the property subject to annexation.

The undersigned represents that he is authorized by the owners of the above-described property with authority to act in all matters concerning the requested annexation.

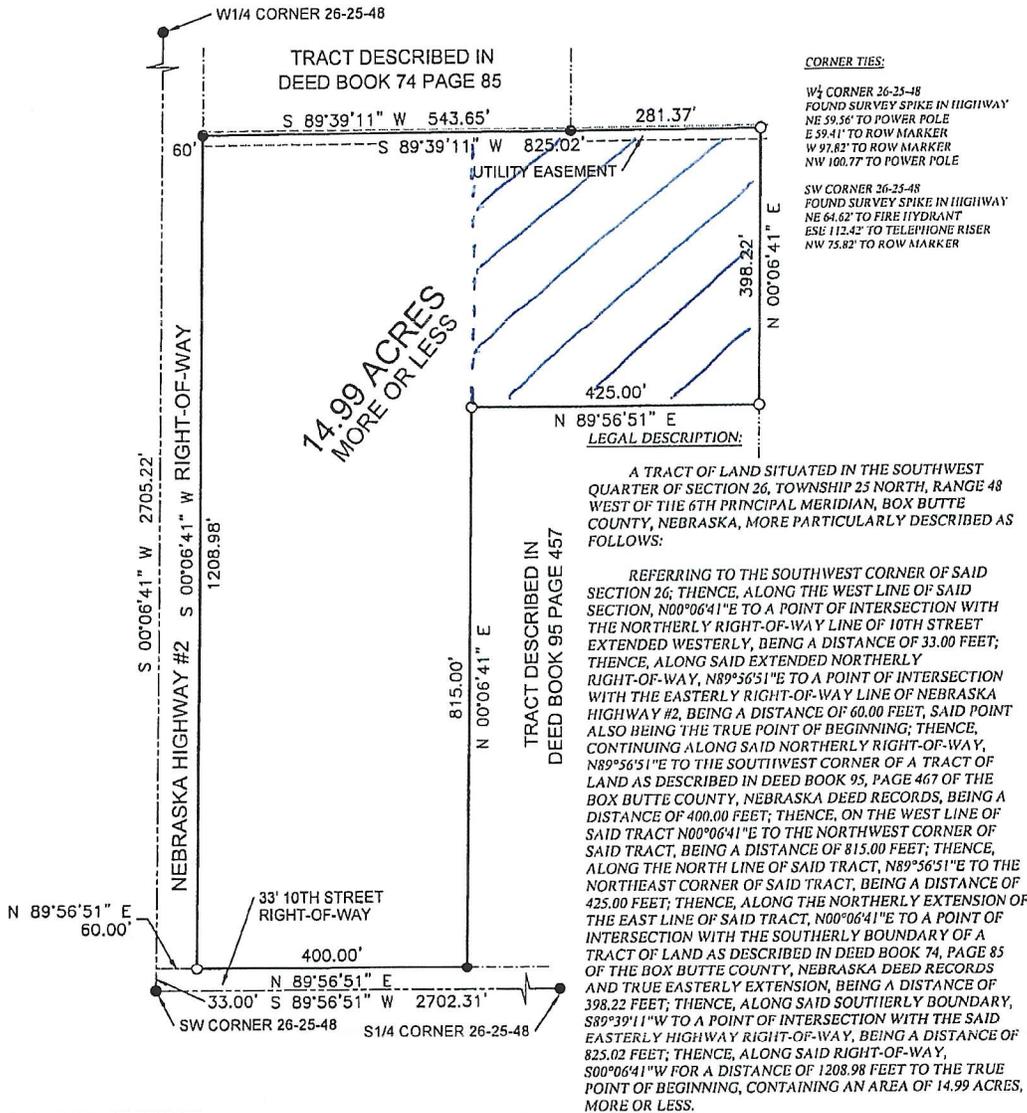
Sincerely,



David Briggs – President  
Jirdon Agri-Chemicals, Inc.

# RECORD OF SURVEY

TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.



**CORNER TIES:**

W<sup>1</sup>/<sub>4</sub> CORNER 26-25-48  
 FOUND SURVEY SPIKE IN HIGHWAY  
 NE 59.56' TO POWER POLE  
 E 59.41' TO ROW MARKER  
 W 97.82' TO ROW MARKER  
 NW 100.77' TO POWER POLE

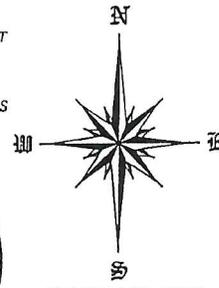
SW CORNER 26-25-48  
 FOUND SURVEY SPIKE IN HIGHWAY  
 NE 64.62' TO FIRE HYDRANT  
 ESE 112.42' TO TELEPHONE RISER  
 NW 75.82' TO ROW MARKER

**SURVEYOR'S CERTIFICATE:**

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 200 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 13th day of November, 2022.

Scott M. Bosse  
 NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



SCALE 1"=200'

- = CORNER FOUND
- = CORNER SET
- 5/8"x24" REBAR PVC CAP

**SURVEYOR NOTES:**

- 1) THIS TRACT MAY BE SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD OR APPARENT.
- 2) ONLY THE RECORD DOCUMENTS NOTED HEREON WERE PROVIDED TO OR DISCOVERED BY SURVEYOR. NO ABSTRACT, CURRENT TITLE COMMITMENT NOR OTHER RECORD TITLE DOCUMENTATION WAS PROVIDED FOR THIS SURVEY.

<p><b>SHEET</b> 1 OF 1</p>	<p>PROJECT: WESTCO ALLIANCE 26-25-48 PAUL REED CONSTRUCTION &amp; SUPPLY ALLIANCE, NEBRASKA</p>	<p><b>ACCUSTAR SURVEYING</b></p> <p style="font-size: x-small;">30601 COUNTY ROAD 17 PHONE: (308) 623-0197</p> <p style="font-size: x-small;">MITCHELL, NE 69357 CELL: (308) 631-0737</p>	<p>Scale 1"=200'</p> <p>Date: OCTOBER 5, 2022</p> <p>Drawn By: SJB</p> <p>REVISION: NOVEMBER 13, 2023</p>
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# Community Development Memorandum

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**To:** City of Alliance Planning Commission  
**From:** Brent Kusek – Development Director  
**Subject:** Westco Annexation  
**Date:** February 11, 2025

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For the Planning Commissions consideration is a petition to annex from Westco doing business as Jirdon Agri-Chemicals Inc. The petition is to annex a 14.99 acre parcel of land located in The Southwest Quarter Of Section 26, Township 25 North, Range 48 West Of The 6th P.M., Box Butte County, Nebraska, as shown on Exhibit A of the petition. The annexation petition was required as a condition of a rezone of the same parcel of land from A-Agriculture to C-3, Heavy Commercial. This rezone occurred November 15, 2022, by the approval of Ordinance 2949. Staff recommends the annexation of the referenced tract of land making the following findings of fact:

1. The tract of land is urban and not rural in character;
2. The tract of land is adjacent to the corporate limits of the City of Alliance;
3. The tract of land is serviced by City utilities;
4. The tract of land is developed;
5. The tract of land is zoned C-3, Heavy Commercial;
6. The tract of land has access to public rights of way.
7. The annexation meets the requirements of Nebraska Revised Statutes 16-117.

## **16-117. Annexation; powers; procedure; hearing.**

(1) Except as provided in sections 13-1111 to 13-1120 and 16-130 and subject to this section, the mayor and city council of a city of the first class may by ordinance at any time include within the corporate limits of such city any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power upon the mayor and city council to extend the limits of a city of the first class over any agricultural lands which are rural in character.

(2) The invalidity of the annexation of any tract of land in one ordinance shall not affect the validity of the remaining tracts of land which are annexed by the ordinance and which otherwise conform to state law.

(3) The city council proposing to annex land under the authority of this section shall first adopt both a resolution stating that the city is proposing the annexation of the land and a plan for extending city services to the land. The resolution shall state:

(a) The time, date, and location of the public hearing required by subsection (5) of this section;

(b) A description of the boundaries of the land proposed for annexation; and

(c) That the plan of the city for the extension of city services to the land proposed for annexation is available for inspection during regular business hours in the office of the city clerk.

(4) The plan adopted by the city council shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

(5) A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution proposing to annex land to allow the city council to receive testimony from interested persons. The city council may recess the hearing, for good cause, to a time and date specified at the hearing.

(6) A copy of the resolution providing for the public hearing shall be published in a legal newspaper in or of general circulation in the city at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the land proposed for annexation.

(7) Any owner of property contiguous or adjacent to a city of the first class may by petition request that such property be included within the corporate limits of such city. The mayor and city council may include such property within the corporate limits of the city without complying with subsections (3) through (6) of this section.

(8) Notwithstanding the requirements of this section, the mayor and city council are not required to approve any petition requesting annexation or any resolution or ordinance proposing to annex land pursuant to this section.

**Source:** Laws 1967, c. 64, § 1, p. 213; Laws 1989, LB 421, § 1; Laws 2007, LB11, § 1; Laws 2009, LB495, § 3; Laws 2016, LB704, § 7.

## **Annotations**

### **1. Character of land**

### **2. Statute of limitations**

### **3. Miscellaneous**

#### **1. Character of land**

The use of land for agricultural purposes is not dispositive of the character of the land, nor does it mean it is rural in character. It is the nature of its location as well as its use which determines whether it is rural or urban in character. *Swedlund v. City of Hastings*, 243 Neb. 607, 501 N.W.2d 302 (1993).

A city of the first class may annex land contiguous to its corporate limits which is urban or suburban, including segments of highway, as determined by the characteristic of the land adjacent to that being annexed. *Piester v. City of North Platte*, 198 Neb. 220, 252 N.W.2d 159 (1977).

Under this section, a city of the first class may annex contiguous urban or suburban lands which are not agricultural lands rural in character. *Webber v. City of Scottsbluff*, 187 Neb. 282, 188 N.W.2d 814 (1971).

Agricultural lands which are urban not rural in character may be annexed. *Voss v. City of Grand Island*, 186 Neb. 232, 182 N.W.2d 427 (1970).

Section does not require legislative body to conduct trial-type evidentiary hearing or make express finding on character of land. *Meyer v. City of Grand Island*, 184 Neb. 657, 171 N.W.2d 242 (1969).

Words "as are urban or suburban in character" used in this section are not so vague and indefinite as to violate due process clause of the Constitution. *Plumfield Nurseries, Inc. v. Dodge County*, 184 Neb. 346, 167 N.W.2d 560 (1969).

The character of a segment of an interstate highway sought to be annexed by a city of the first class is determined by the characteristic of the land immediately adjacent to the segment sought to be annexed. *Adam v. City of Hastings*, 12 Neb. App. 98, 668 N.W.2d 272 (2003).

## **2. Statute of limitations**

An action to enjoin a school district or part thereof, consequent upon annexation of territory by a city of the first class, is barred by the statute of limitations unless brought within one year from effective date of annexation ordinance. *School Dist. No. 127 of Lincoln County v. Simpson*, 191 Neb. 164, 214 N.W.2d 251 (1974).

## **3. Miscellaneous**

So long as a substantial part of the connecting boundary touches the corporate limits, an annexation will not be void simply because parts of the connecting side do not touch the city or because portions of the annexed territory are narrower than the rest. *County of Sarpy v. City of Papillion*, 277 Neb. 829, 765 N.W.2d 456 (2009).

The valid part of an annexation ordinance may be carried into effect if what remains after the invalid part is eliminated contains the essential elements of a complete ordinance. *County of Sarpy v. City of Papillion*, 277 Neb. 829, 765 N.W.2d 456 (2009).

A city of the first class must adopt a specified annexation resolution and plan for extending services before annexing land. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

A city of the first class has no power to annex territory which is not contiguous or adjacent. *Doolittle v. County of Lincoln*, 191 Neb. 159, 214 N.W.2d 248 (1974).

City could not annex strategic air command base where its sole purpose was to increase city's revenue. *United States v. City of Bellevue*, 474 F.2d 473 (8th Cir. 1973).

United States had no standing to contest validity of city's annexation of alleged agricultural lands not owned and in which it had no interest, though but for such annexation lands of United States would not be lands contiguous to city, subject to annexation as such. *United States v. City of Bellevue*, 334 F.Supp. 881 (D. Neb. 1971).