

City of Sidney Planning Commission Meeting, Monday, August 21, 2023, 5:30 pm

AGENDA

Call to Order

Pledge of Allegiance

Welcome

Business and Report

1. Announcement of Public Meetings Act: The Open Meetings Law poster is posted at the rear of the room, please refer to posted information if you have any questions regarding the open meetings law.
2. Approval of minutes for July 17, 2023
3. Election:
 - Chair
 - Vice Chair
 - Appointment to the Board of Adjustment
4. **PUBLIC HEARING:** Rezoning and subdivision applications by Vincent J. Heeg to rezone and subdivide Tract 1 Schnell Subdivision and part of the Southwest Quarter of Section 28, Township 14 North, Range 49 West of the 6th P.M., also known as 534 East Elm Street, from Agricultural to Residential 1A; and recommendation to Council regarding the same.
5. Comments by the public and action concerning other business by the commission.

ADJOURNMENT

Planning Commission Meeting

A meeting of the Planning Commission of the City of Sidney, Nebraska, was convened in open and public session at 5:30 p.m., on July 17, 2023 at Security 1st Bank, located at 1205 Jackson Street. Present were: Commissioners Benzel, England, Loghry, Smith, Sweetser. Others present: Finance Director, Lane Kizzire, Electric Superintendent, Michael Palmer and City Clerk, Lori Borchert. Notice of the meeting was given in advance thereof by publication in The Sidney Sun Telegraph, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Chairman and all members of the Commission, and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Planning Commission of this meeting. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Commissioner Loghry announced that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Commissioner Loghry called for a motion to approve the February 21, 2023 minutes. England moved, Smith seconded, "That the minutes from February 21, 2023 be approved." Roll call vote: Yeas: England, Loghry, Smith, Sweetser Abstain: Benzel Nays: None. Absent: Schmitt, Glenn Motion passed. ***Clerk Borchert noticed later that the minutes and the agenda were incorrectly printed as February 21, 2022 and amended both accordingly.

Commissioner Loghry announced that a public hearing would be held considering the application of Conditional Use Permit for Brad and Joyelle Kennedy to re-open the gravel pit for gravel excavating/mining purposes, located on the SW1/4 of the SW1/4 of Section 20, Township 14 North, Range 49 West of the 6th P.M." Loghry opened the public hearing at 5:35 pm. Brad Kennedy stated that he had filled out the Conditional Use application and was needing approval by the Commission to re-open the gravel pit. Smith asked if Kennedy received permission from the County. Kennedy replied that he did. Kennedy stated that he has no current contracts with anyone, that he currently has a few people that would like gravel. Smith had concerns who would be responsible if the road was torn up and wanted Kennedy to be aware of the legalities. England asked how many tons or yards of gravel were to be pulled out of the yard. Kennedy stated that the person has a belly dump truck, possibly a 100, not a large-scale operation. Loghry had concerns of signage or truck traffic in the entry point, a safety concern so through traffic is aware. There were not further questions for Kennedy. Dennis Carroll, a resident that lives across from the gravel pit, said the last permit issued was not followed. There were agreements of landscaping that were not followed, broken windshields, noise, dust, no road maintenance as well as numerous other concerns. Carroll and resident, Pam Hauge, were not in favor of the gravel pit. Kennedy what previously happened with the prior owner had nothing to do with him. Kennedy also reported that this would be a small-scale operation. Smith asked Kennedy if this would be a commercial agreement. Kennedy stated that it would only be a few trucks. England stated in the past when Croelle used the pit, they were responsible to take care of the road and speed limit signage. Lane Kizzire, Finance Director, stated that the commission could put stipulations on the conditional use permit to keep it on a small-scale operation. Carroll stated that he would call the Sheriff if it gets out of hand and that rules have to be followed. Loghry stated that the permits are issued for one year. Loghry asked Carroll if he would be opposed to so many yards per month. Carroll stated that if the person only wanted to get 100 yards out, that is not that much, but it doesn't take a year to take out 15 loads out. Loghry stated that 6 months to one year is standard for a condition use permit. Carroll stated that he thought if the person wanted 100 yards, 90 days is enough time. Kennedy stated that if a permit is not needed for small scale loads, then he will not pursue the permit. Loghry closed the hearing at 6:03 pm. Loghry asked for a motion. Smith moved, England seconded, "That a conditional use permit be issued for the term of one year, expiring July 17, 2024, no signed contracts for large scale commercial use. If there is any road damage, it is Kennedy's responsibility to figure out who repairs the road." Roll call vote: Benzel, England, Loghry, Smith, Sweetser Nays: None Absent: Glenn, Schmitt.

Loghry announced that a public hearing would be held considering the application of Conditional Use Permit for Blue Iron Oasis, LLC, Brandy Root, owner, to allow a recreational vehicle campground on a provisional on lot 28-14-49 W/2SW/4SW/4SE/4 & .51 Acre Tract in SE/4SW/4, more commonly known as 11552 US Hwy 30. Loghry opened the public hearing at 6:07 pm. Root stated that her Conditional Use Permit had expired in November 2022 due to lack of funding to acquire the land east of the Blue Oasis. Loghry asked where the electric and water service for the next two trailers were located, besides the current three that Root already has. Root stated that there are currently five spaces, the other two are close to the dump area (pointing at map). Smith asked if Root had a sanitary dump tank. Root replied that Royal Flush currently dumps the tanks. Smith asked if Root was asking for the same permit specifications as what she asked for in 2021. Root stated that the conditions of the permit would be the same. There were no further questions. Loghry closed the hearing at 6:19 pm. England moved, Benzel seconded, "That a conditional use permit be issued for the term of one year, expiring July 17, 2024, allowing Blue Oasis to make necessary improvements installing 1500-gallon sanitary dump tanks, water and electrical hookups, same conditions as previously stated in the November 2021 conditional use permit." Roll call vote: Loghry, Smith, Sweetser, Benzel, England. Nays: None Absent: Glenn, Schmitt.

Meeting adjourned at 6:20 pm.

A joint meeting of the Planning Commission and the City Council of the City of Sidney, Nebraska, was convened in open and public session at 6:20 p.m., immediately following the Planning Commission Meeting, on July 17, 2023 at Security 1st Bank, located at 1205 Jackson Street. Present were: Commissioners Benzel, England, Loghry, Smith, Sweetser. Council Members: Mayor Sherman, Strommen, Buckner, Radcliffe, Bondegard. Others present: Finance Director, Lane Kizzire, Electric Superintendent, Michael Palmer and City Clerk, Lori Borchert. Notice of the meeting was given in advance thereof by publication in The Sidney Sun Telegraph, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Commissioners and the City Council, and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Planning Commission of this meeting. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Commissioner Loghry announced that a public hearing would be held considering the Sidney Comprehensive Plan. Loghry opened the public hearing at 6:21 pm. Mayor Sherman opened the public hearing at 6:22 pm. Michael Palmer introduced Amy Haase, RDG Planning & Design, who gave the presentation on the Comprehensive Plan. The Sidney Comprehensive Plan is constructed to aid in guiding the vision of the city's future. This plan reviews current conditions and tends both within and around Sidney to help inform and yield results for this plan as actions that would best bring the vision into reality. For a city to make zoning adjustments a plan is required as per Nebraska Statute. Haase discussed the purpose of the plan and how to use it. Topics included Sidney Today: Population Trends, Economic Trends, Housing Trends; Sidney Environment: Parks and Recreation, Public Facilities, Transportation, Utility Infrastructure; Future Development: Land Use Map, Land Use Categories; Plan Elements: Public Engagement, A Strategic approach to Accomplishing Goals, Goals & Principles Report; Plan Implementation: Annexation Policy, Roles and Responsibilities, Plan Maintenance. Loghry closed the hearing at 7:07 pm. Loghry asked for a motion. England moved, Benzel seconded, "That the Sidney Comprehensive Plan be approved." Roll call vote: Benzel, England, Loghry, Smith, Sweetser, Nays: None Absent: Glenn, Schmitt. Motion approved. Sherman closed the hearing at 7:07 pm. Sherman asked for a motion. Bondegard moved, Strommen seconded, "That the Sidney Comprehensive Plan be approved." Roll call vote: Bondegard, Buckner, Radcliffe, Sherman, Strommen. Nays: None. Motion approved.

There were no further comments.

Planning Commission Meeting adjourned at 7:08 pm

City Council Meeting adjourned at 7:10 pm

COMMISSIONER, DOUG LOGHRY

CITY CLERK, LORI BORCHERT



SMALL TOWN VALUES

1115 13TH AVENUE PO BOX 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

PHONE (308) 254-5300 FAX (308) 254-3164
www.cityofsidney.org

MEMORANDUM

DATE: August 21, 2023

TO: Planning Commission

FROM: Lori Borchert, City Clerk

RE: Chairman, Vice-Chairman
Board of Adjustment Member Appointment

SUMMARY:

1212.07 CHAIRMAN AND OTHER OFFICERS.

The Planning Commission shall elect a Chairman from its members and create and fill such other of its offices as it may determine. The term of the Chairman shall be for one year and he shall be eligible for re-election.

In the past, the Chairman of the Planning Commission also served as a board member for the Board of Adjustment. This is not documented anywhere in the statutes. We need to discuss this internal policy, so a Board of Adjustment member can be appointed.

1244.02 MEMBERSHIP. (Board of Adjustment)

(a) The Board of Adjustment shall consist of five regular members, plus one additional member designated as an alternate. The latter shall attend and serve only when one of the regular members is unable to attend or serve for any reason. Each member shall be appointed for a term of three years and shall be removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Only one member of the Board shall be appointed from the membership of the Planning Commission, and the loss of membership on the Commission by such member shall also result in his or her immediate loss of membership on the Board and the appointment of another Planning Commission member to the Board.

(b) Members of the Board of Adjustment shall reside within the jurisdictional area of the Board. At least one member of the Board of Adjustment must reside outside of the corporate boundaries of the city or village but within its extraterritorial zoning jurisdiction, if more than 200 persons reside within the extraterritorial area. (§ 19-908)



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MEMORANDUM

DATE: July 27, 2023

MEMO TO: Planning Commission

FROM: Marshall Hall CBO

RE: Subdivision of Tract 1 Schnell Subdivision and part of the Southwest Quarter of Section 28, Township 14 North, Range 49 West of the 6th PM also known as 534 East Elm St

SUMMARY: This is a petition to subdivide residential land from the agricultural land and rezone the residential land to R1A.

BACKGROUND/DISCUSSION: Vincent J. Heeg would like to subdivide and rezone the residential land from the agricultural land. Per the statement for justification, the agricultural land will remain agricultural and the residential will be rezoned to R1A. Traffic will remain status quo.

RECOMMENDATION: Subdividing and rezoning the residential parcel to R1A meets the Municipal Code minimum parcel size requirements per Section 1264.



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

1. Complete all blanks on the application and return it to the City Inspectors Offices, City of Sidney, 1115 13th Avenue, P.O. Box 79, Sidney, NE 69162 a minimum of two (2) weeks prior to the meeting of the Planning Commission. The Commission meets on the 3rd Monday of each month at 5:30 PM.
2. Applicant(s) must submit with the application the names and addresses of all property owners within 300 ft. of the property being rezoned. These names and addresses must be the current owners as listed at the Cheyenne County Assessor's Office.
3. A non-refundable \$100.00 filing fee must be paid at the time the application is submitted. Make checks payable to "City of Sidney".

IMPORTANT NOTICE TO THE APPLICANT(s): THIS APPLICATION WILL BE TABLED IF THE APPLICANT OR THEIR REPRESENTATIVE IS NOT PRESENT AT THE PUBLIC HEARING. PHONE ATTANDANCE MUST BE ARRANGED 24 HOURS IN ADVANCE OF THE MEETING.



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

The undersigned owner(s) of the premises, situated within the corporate limits and within the zoning jurisdiction of the City of Sidney, Nebraska, legally described as:

Tract 1 Schnell Subdivision and part of the Southwest Quarter of Section 28, Township 14 North, Range 49 West of the 6th P.M., also known as

and commonly known as 534 East Elm Street, Sidney, NE 69162

(Street address or location)

do hereby petition and request the rezoning of the above described property in accordance with the following:

Petition to rezone from: Agricultural, City Code 1250.16 A
to: Residential 1A, Single-Family Zones, City
Per Kendra S Code 1250.01 R-1

Name(s), address, and phone number(s) of owner(s):

Vincent J. Heeg, 627 7th Street, Hermosa Beach, CA 90254-4706

(310) 379-5606

Names(s) address, and phone number(s) of Developer(s) if different than the owner.

Proposed use of the property: Residential

Dated this 21 day of July, 2023.

Signature(s): Kendra Strommen, Attorney for Vincent J. Heeg

Date Received: 7/20/23

Received by: [Signature]



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

SUBDIVISION APPLICATION

1. Complete all blanks on the application and return it to the City Offices, City of Sidney, 1115 13th Avenue, P.O. Box 79, Sidney, NE 69162.
2. Application fees are as follows:
Subdivisions with two or fewer lots: \$100.00
Subdivisions with three or more lots: \$750.00

This is a non-refundable fee and must be paid at the time the application is submitted. Make checks payable to "City of Sidney".

3. The application must be turned in 2 weeks in advance of the Planning Commission meeting
4. The following must be turned in with the application:
 - Preliminary plat drawn to a scale of not less than one inch equals 100 feet showing all existing and proposed easements, rights-of-way, utilities and all adjoining owners and zoning.
 - Proof of ownership of property by a letter of opinion provided by Title Company or Attorney.
 - Names and addresses of all owners within 300 feet of the proposed subdivision. This can be obtained from the Cheyenne County Assessor's Office.



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

APPLICATION FOR SUBDIVISION

1. Name of Subdivision: Tract 1 Schnell Subdivision

2. Name of applicant(s): Vincent J. Heeg

Address 627 7th Street Hermosa Beach, CA 90254-4706
(Street No. & Name) (City) (State) (Zip)

3. Owner of Record: Vincent J. Heeg

Address 627 7th Street Hermosa Beach, CA 90254-4706
(Street No. & Name) (City) (State) (Zip)

4. Subdivision Location: _____

5. Legal Description and Address of Subdivision: 534 East Elm Street, Sidney, NE 69162
Tract 1 Schnell Subdivision and part of Section 28, Township 14 North, Range 49
West of the 6th P.M., Cheyenne County, Nebraska

6. Current Zoning Agriculture Number of Proposed Lots: 1

7. Purpose of Subdivision of Land: Residential

Signature: *Kenden A. Strommen Attorney for Vincent J. Heeg*

Received By: _____ Date: _____



MATZKE, MATTOON, MARTENS & STROMMEN, LLC
 ATTORNEYS-AT-LAW
 907 JACKSON STREET
 P. O. BOX 316
 SIDNEY, NE 69162-0316

Platte Valley Bank
 76-230/1041

68360

7/21/2023

PAY TO THE ORDER OF

City of Sidney

\$ 100.00

one hundred & 00/100

DOLLARS

MEMO

Petition for Rezone

Kendall Strommen

⑈068360⑈ ⑆104102309⑆ 0283300⑈



MATZKE, MATTOON, MARTENS & STROMMEN, LLC
 ATTORNEYS-AT-LAW
 907 JACKSON STREET
 P. O. BOX 316
 SIDNEY, NE 69162-0316

Platte Valley Bank
 76-230/1041

68361

7/21/2023

PAY TO THE ORDER OF

City of Sidney

\$ 100.00

one hundred & 00/100

DOLLARS

MEMO

Petition for Subdivision

Kendall Strommen

⑈068360⑈ ⑆104102309⑆ 0283300⑈

READY TO REORDER? CALL 1-800-433-8810 OR VISIT US AT www.intuitmarket.com/orderchecks

(3/11)

Rev 9/11

\$ 200.00 **City Of Sidney** 39233
 Sidney, Nebraska 7/27 20 23

Received of Matzke, Mattoon, Martens & Strommen
Two hundred & no/100 DOLLARS

For rezoning / subdivision permits
050360301 / 401 L. Borchart City Cashier

LAW OFFICES OF
MATZKE, MATTOON, MARTENS & STROMMEN, L.L.C.

907 JACKSON STREET
P.O. BOX 316
SIDNEY, NEBRASKA 69162-0316

STEVEN F. MATTOON
TANYA M. MARTENS
KENDRA A. STROMMEN

TELEPHONE
(308) 254-5595
FACSIMILE
(308) 254-5019

July 20, 2023

City Inspectors Offices
c/o City of Sidney
1115 13th Avenue
P.O. Box 79
Sidney, Nebraska 69162

In re: Justification for Rezone

Dear Zoning Officials:

This letter is to explain and justify the reason for our request for a zone change on the attached legal description. Historically this land has been used for agriculture purposes and will continue to be used for agriculture purposes. Our request is to Subdivide the house away from the piece of land that is currently being farmed.

Approving a Rezone from agriculture to residential ^{Per Kendra S} ~~1~~ single family home, will not increase the traffic to this location. As you will see from our list of names, legal descriptions and property owners of the adjacent lands, we are asking for a similar type of zone. As for the general economic character of this land, we propose it will remain unchanged.

Thank you for your consideration and please contact us if you have any questions.

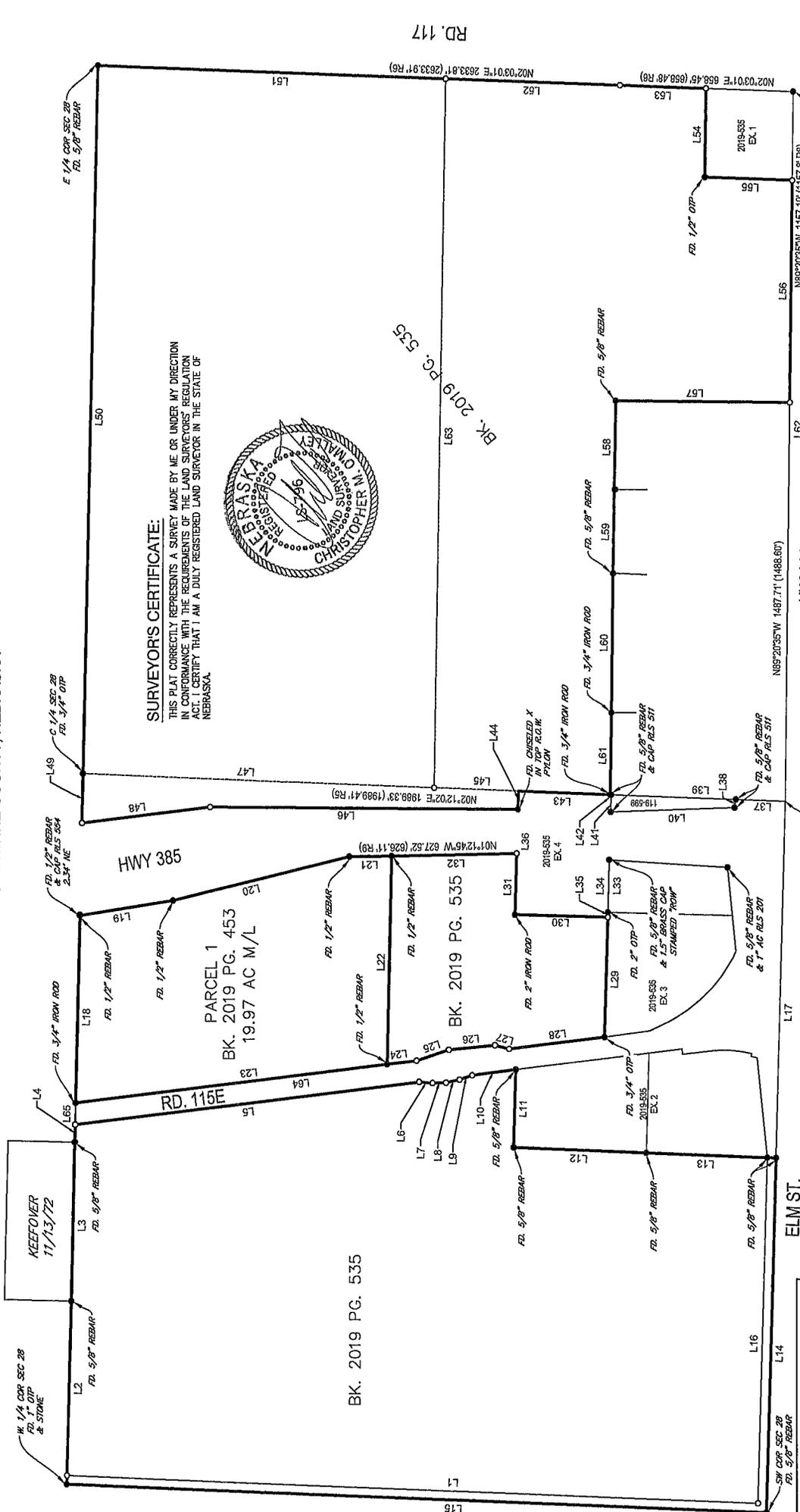
Very truly yours,


KENDRA A. STROMMEN
For the Firm

KAS:ayt

cc: Vincent J. Heeg
Jarrod Schnell

RECORD OF SURVEY
PART OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 49 WEST OF THE 6TH PRINCIPAL MERIDIAN
CHEYENNE COUNTY, NEBRASKA



SURVEYOR'S CERTIFICATE:
THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS' REGULATION ACT. I CERTIFY THAT I AM A DULY REGISTERED LAND SURVEYOR IN THE STATE OF NEBRASKA.



GREENWOOD RD.

BK. 2019 PG. 535

PARCEL 1
BK. 2019 PG. 453
19.97 AC M/L

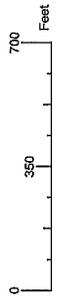
BK. 2019 PG. 535

ENT:	SCHNELL
E:	S28, T14N, R49W, 6TH PM
UNITY:	CHEYENNE
DATE:	JUNE 21, 2023
SHEET:	1 OF 3

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY WAS TAKEN FROM V.R.S. NETWORK SOLUTION, NEBRASKA SPCS ZONE 2600 NAD83 (2011). ALL DISTANCES HEREON ARE GROUND DISTANCES.

- = FOUND MONUMENT AS NOTED.
- = SET 5/8" REBAR & CAP RLS 796.
- *OTIP* = OPEN TOP PIPE.

5 1/4" COP. SEC. 28
REBAR
REESTABLISHED
POSITION FROM TIES



RECORD OF SURVEY
 PART OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 49 WEST OF THE 6TH PRINCIPAL MERIDIAN
 CHEYENNE COUNTY, NEBRASKA

LINE NOTES:

- S.W. COR. SEC. 28
 SW 45.88' TO NE COR OF 4X4 POST MARKED "8"
 NW 48.26' TO 60D AND WASHER IN PP
 NE 50.76' TO 60D AND WASHER IN PP
- W. 1/4 COR. SEC. 28
 W 30.95' TO T-BAR IN FENCELINE
 SE 3.09' TO 5/8" REBAR
 NE 140.76' TO SPIKE IN PP
- C. 1/4 SEC. 28
 W 37.13' TO NAIL IN CFP
 SW 62.74' TO NAIL IN TFP
 E 12.94' TO NAIL IN H-BRACE
- E. 1/4 COR. SEC. 28
 NW 50.01' TO NAIL IN GATE POST
 W 34.19' TO NAIL IN CFP
 SE 39.14' TO NAIL IN TFP
 NE 40.56' TO NAIL IN TFP
- SE COR. SEC. 28
 NW 42.78' TO BASE OF REFLECTOR POST
 NE 52.28' TO BASE OF REFLECTOR POST
 SE 84.13' TO BASE OF REFLECTOR POST

LINE TABLE			
LINE	BEARING	DISTANCE (R)	DISTANCE (R)
L1	S02°1323'W	2597.74	
L2	N88°4559'W	682.58	681.00 R3
L3	N88°5739'W	592.00	592.00 R3
L4	N89°0546'W	66.03	
L5	N07°0439'W	1303.74	1304.00 R4
L6	N04°2701'E	51.00	51.00 R4
L7	N01°2159'W	50.30	50.30 R4
L8	N12°4759'W	50.30	50.30 R4
L9	N18°3659'W	51.00	51.00 R4
L10	N07°2234'W	165.82	
L11	S88°2806'E	280.03	280.17 R1
L12	N02°1712'E	501.79	502.04 R1
L13	N02°1640'E	455.21	455.04 R1
L14	S88°2624'E	1320.28	1320.33 R1
L15	S02°1323'W	2650.58	2650.60 R2
L16	S88°2647'E	1287.29	
L17	S88°2647'E	2851.20	2851.17 R5
L18	N88°5450'W	696.88	
L19	N08°1251'W	356.31	352.01 R9
L20	N13°4809'W	665.42	669.59 R9
L21	N01°0036'W	168.20	

LINE TABLE			
LINE	BEARING	DISTANCE (R)	DISTANCE (R)
L22	N88°5315'W	776.22	
L23	S07°0459'E	1182.72	
L24	S07°0459'E	109.88	109.88 R4
L25	S18°3659'E	127.80	127.80 R4
L26	S05°2659'E	175.10	175.10 R4
L27	S14°4301'W	53.90	53.90 R4
L28	S07°0435'E	362.64	
L29	S88°2802'E	447.51	
L30	N01°3033'E	350.43	350.00 D
L31	S88°2411'E	227.82	
L32	N01°1245'W	469.31	
L33	S88°3514'E	194.61	
L34	N88°3514'W	213.19	
L35	N88°3514'W	18.58	
L36	N88°2415'W	460.95	
L37	S02°0818'W	186.25	186.25 R5
L38	N81°0128'W	30.48	30.44 R5
L39	N02°0818'E	662.32	662.30 R5
L40	N02°0101'W	469.49	469.51 R5
L41	S88°3050'E	64.20	64.20 R5
L42	S03°3553'W	3.47	3.47 R5

LINE TABLE					
LINE	BEARING	DISTANCE (R)	BEARING (R)	DISTANCE (R)	DISTANCE (R)
L43	S02°1202'W	346.89			
L44	S88°2415'E	68.32			
L45	N02°1202'E	316.80			
L46	S07°2149'W	1156.90			1156.90 R9
L47	N02°1202'E	1325.83			
L48	S07°0820'E	490.00			488.57 R9
L49	N88°5545'W	184.96			184.96 R9
L50	N88°5733'W	2638.19			2638.33 R6
L51	N02°0301'E	1316.90			
L52	N02°0301'E	658.45			
L53	N02°0301'E	329.23			
L54	S89°2420'E	330.37			
L55	N02°0528'E	323.87			
L56	S89°2035'E	826.50			
L57	S00°3320'W	669.61			660.00 R8
L58	S89°0914'E	330.47			330.8 R7
L59	S89°1242'E	312.43			
L60	S89°1255'E	519.73			
L61	S89°1133'E	306.78			306.87 R5
L62	N89°2035'W	2644.81			2644.78 R6
L63	N89°0905'W	2941.85			
L64	N7°0459'W	1292.60			1292.60 R4
L65	N89°0545'W	80.80			80.80 R4

- R1 = RECORD DATA PER WM. KEEFOVER SURVEY DATED 5/22/1980.
- R2 = RECORD DATA PER S.R.R. INDEX 1588-289.
- R3 = RECORD DATA PER WM. KEEFOVER SURVEY DATED 11/13/1972.
- R4 = RECORD DATA PER DEED BOOK 36 / 273 CHEYENNE COUNTY RECORDS.
- R5 = RECORD DATA PER S.R.R. INDEX 1383-289.
- R6 = RECORD DATA PER SURVEY DATED 5/4/1988 BY LS 342.
- R7 = RECORD DATA PER WM. KEEFOVER SURVEY DATED 1/13/1968.
- R8 = RECORD DATA PER WM. KEEFOVER SURVEY DATED 9/28/1970.
- R9 = RECORD DATA PER DEED BOOK 179 / 461 CHEYENNE COUNTY RECORDS.

ENT: SCHNELL	
E: S28, T14N, R49W, 6TH PM	
UNITY: CHEYENNE	SHEET: 2 OF 3
DATE: JUNE 21, 2023	
OMALLEY SURVEYING & MAPPING	

LAW OFFICES OF
MATZKE, MATTOON, MARTENS & STRÖMMEN, L.L.C.

907 JACKSON STREET
P.O. BOX 316
SIDNEY, NEBRASKA 69162-0316

STEVEN F. MATTOON
TANYA M. MARTENS
KENDRA A. STROMMEN

TELEPHONE
(308) 254-5595
FACSIMILE
(308) 254-5019

Title Opinion

July 20, 2023

City Inspectors Offices
c/o City of Sidney
1115 13th Avenue
P.O. Box 79
Sidney, Nebraska 69162

In re: SW/4 of Section 28, Township 14 North,
Range 49 West of the 6th P.M., Cheyenne County,
Nebraska

Dear Zoning Officials:

This is to certify that we have examined the records in the office of the County Clerk and Clerk of the District Court of Cheyenne County, Nebraska, with regard to the above-described lands from the sovereignty of the soil to July 3, 2023, at 8:00 a.m. Based upon said title examination we submit the following opinion as to the marketability of title.

1. SURFACE ESTATE/MINERAL ESTATE

- a. By virtue of a Joint Tenancy Warranty Deed dated December 30, 1998, filed January 21, 1999, and recorded in Book 134 at Page 399 of the Deed Records of Cheyenne County, Nebraska, the surface/mineral estate was conveyed from Vincent A. Heeg and Gloria T. Heeg, husband and wife, to Henry C. Heeg and Lani S. Heeg, husband and wife, as joint tenants and not as tenants in common.
- b. By virtue of a Corrective Joint Tenancy Warranty Deed dated April 9, 1999, filed April 12, 1999, and recorded in Book 134 at Page 617 of the Deed Records of Cheyenne County, Nebraska, the surface/mineral estate was conveyed from Vincent A. Heeg and Gloria T. Heeg, husband and wife, to Henry C. Heeg and Lani S. Heeg, husband and wife.

- c. By virtue of a Warranty Deed dated December 22, 2011, filed December 22, 2011, and recorded in Book 151 at Page 9 of the Deed Records of Cheyenne County, Nebraska, the surface/mineral estate was conveyed from Henry C. Heeg and Lani S. Heeg, husband and wife, to Vincent A. Heeg and Gloria T. Heeg, husband and wife, as joint tenants with rights of survivorship.
- d. By virtue of a Warranty Deed dated February 7, 2014, filed February 18, 2014, and recorded as Instrument Number 2014 0290 of the Deed Records of Cheyenne County, Nebraska, the surface/mineral estate was conveyed from Vincent A. Heeg and Gloria T. Heeg, husband and wife, to Vincent A. Heeg and Gloria T. Heeg, Trustees of the Heeg Family Living Trust.
- e. By virtue of a Warranty Deed dated February 22, 2019, filed March 20, 2019, and recorded as Instrument Number 2019 0453 of the Deed Records of Cheyenne County, Nebraska, the surface/mineral estate was conveyed from Vincent A. Heeg and Gloria T. Heeg, husband and wife, to Vincent J. Heeg.
- f. By virtue of a Warranty Deed dated February 22, 2019, filed February 2, 2019, and recorded as Instrument Number 2019 0505 of the Deed Records of Cheyenne County, Nebraska, the surface/mineral estate was conveyed from Vincent A. Heeg and Gloria T. Heeg, husband and wife, Trustees and their Successors in Trust under the Heeg Family Living Trust dated November 30, 1999, and Vincent J. Heeg, a non-resident of the State of Nebraska, in consideration of a \$1.00 and other good and valuable consideration conveys to Grantee, Vincent J. Heeg.

2. MORTGAGES AND DEEDS OF TRUST

There are no unreleased Deeds of Trust and no unreleased Mortgages.

3. EASEMENTS AND RIGHTS-OF-WAY

Please refer to Joint Tenancy Warranty Deed dated December 30, 1998, filed January 21, 1999, and recorded in Book 134 at Page 399 "excepting and reserving unto Grantor, their successors and assigns full and free right and liberty at all times hereafter in common with all other persons who may hereafter have a like right to have and use that certain cattle crossing or lane now in use across said premises and located along and across the Northwest corner of the above-described Tract and to use said cattle crossing or lane at all times and for all purposes connected with the use and occupation of Grantors other lands adjoining said Tract".

4. FEDERAL TAX LIENS, STATE TAX LIENS AND JUDGMENT LIENS

We find no current FEDERAL TAX LIENS, STATE TAX LIENS or Judgement Liens.

5. REAL ESTATE TAXES

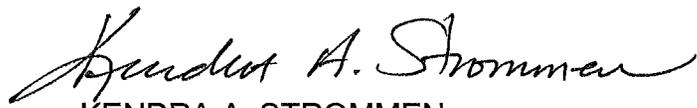
Real Estate Taxes for 2023 are assessed at \$4,199.08. The first half has been paid and the second half in the amount of \$2099.54 has not been paid, but is not delinquent until September 1, 2023. Real Estate Taxes for 2022 and all prior years are paid in full.

6. CONCLUSION

The entire surface estate in and to that part of the South Half (S/2) of Section Twenty-eight (28), Township Fourteen (14) North, Range Forty-nine (49) West of the 6th P.M., Cheyenne County, Nebraska, reflected in Warranty Deed dated February 22, 2019, filed April 2, 2019, and recorded as Instrument Number 2019 0535 is vested in Vincent J. Heeg as to 100% interest.

Please contact us if you have any questions.

Very truly yours,



KENDRA A. STROMMEN
For the Firm

KAS:ayt
cc: Vincent J. Heeg
Jarrod Schnell

✓ Tract B, NW/4 of 28-14-49 (agricultural)
Dewayne W. & Kimberly A. Wolff
2252 Road 115E
Sidney, NE 69162

✓ NW/4 Except State of Nebraska
Right-of-Way and Tract A & B
Located in 28-14-49 (agricultural)
Patrick D. & Pamela J. Wieser
(Co-Trustees and Tyler E. Wieser,
Tenants in Common)
P.O. Box 635
Sidney, NE 69162

Pt. SW/4 of 28-14-49 (exempt)
State of Nebraska
Lincoln, NE 68509