

*Kearney, Nebraska
October 26, 2021
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on October 26, 2021 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; Andy Harter, Director of Public Works; Tony Jelinek, Director of Utilities and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz with the Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, 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 City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

FINAL PLAT AND SUBDIVISION AGREEMENT FOR LAKE VILLA ESTATES FIFTH

Moved by Nikkila seconded by Moore to remove Public Hearing 1 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the application submitted by Trenton Snow for Tracy & Jolynn Cook for the Final Plat and Subdivision Agreement for Lake Villa Estates Fifth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land part of Government Lot 2 and part of Government Lot 3 in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Emerald Drive and East of Tahoe Drive) and consider Resolution No. 2021-189.

Trenton Snow, Kearney Land Surveyor presented this matter to the Council. Mr. Snow stated Mr. and Mrs. Cook would like to plat five (5) lots in the proposed Lake Villa Estates Fifth Addition located along the existing Emerald Drive. The Cook's plan to extend Tahoe Drive at the intersection of Emerald Drive and Tahoe Drive by approximately 140-feet. A water line that runs along the west side of Tahoe Drive will be extended, and a fire hydrant will be relocated to the north side of the proposed Addition. Mr. Snow stated the lots will remain R-1 zoning and will be 75-foot, which exceeds the 65-foot minimum requirement for R-1 zoning. Proposed lots sizes will be smaller due to not having lake frontage and their proximity to the Interstate. He stated the Cook's plan is to build homes in the \$350,000 to \$400,000 range that will be 1,600 to 1,800 square-foot with two (2) car garages; covenants will be created for the proposed lots. All proposed lots will have access to City services already in place along Emerald Drive and Tahoe Drive.

Craig Peister of Kearney feels it would be a nice gesture by Mr. Cook to join the covenants currently in effect for Lake Villa Estates, even though he does not have to, as it would make the homes more upscale. He stated the proposed lots are shallower than other lots in Lake Villa Estates, making it tough to build the scale of homes currently in Lake Villa. Buffalo County tax records show the average value of the 55 houses in this area is approximately \$400,000. Mr. Peister feels it will be difficult to build houses of that caliber on a 75-foot lot as all current lots in Lake Villa are over 100-foot wide, including the lots north of Tahoe Drive that are not lake frontage lots. Mr. Peister stated the proposed 75-foot lot is built for a starter home, and that is not the kind of home current residents want there. Additionally, Lake Villa residents would like a stipulation that no houses will be moved onto the proposed lots. He suggested the proposed five (5) lots be changed to three (3) lots to align more with the size of lots already in Lake Villa. Residents are not opposed to building homes in the neighborhood, but because the proposed lots are so small, the homes that are built will not blend in with what is out there now.

Council Member Jonathan Nikkila questioned which houses are currently under the covenants Mr. Peister spoke of and additionally wondered if every home currently located in this neighborhood falls under these covenants? Mr. Peister stated all the homes built there had to be turned in to the Architectural Committee to be passed and are under the covenants he spoke of.

Council Member Nikkila questioned why the proposed five (5) lots would not fall under these covenants as well? Michael Tye, City Attorney, stated it is his understanding that the proposed lots fall outside of the original legal description the covenants apply to and further noted the City of Kearney does not enforce covenants. Therefore, even if the proposed Addition fell within the legal description the current covenants cover, the covenant issue would still be between the Homeowners Association and the Developer.

Barry Geweke, Attorney from Ord representing Cheryl Kissinger and Jett Thompson, distributed Exhibits A thru D (attached) to Council and stated neither he nor Mr. Snow could give a binding opinion on whether the existing covenants applied to the proposed Addition, only a District Court Judge could do that. Mr. Geweke reviewed the exhibits provided, the restrictive covenants previously referred to and his interpretation of prior ownership of the property the Cook's now own. He believes that if the Cook's would execute a document acknowledging the existing restrictive covenants, the proposed development would be welcomed. Mr. Geweke stated he is requesting the Mayor and Council deny the application as written and direct the Cook's to expand the lot size to be more consistent with the restrictive covenants of record, if the Cook's would not sign the document mentioned above.

Mr. Snow agreed that the proposed lots are smaller and will not contain \$500,000 homes and further stated the proposed lots are less desirable lots because they are closer to the Interstate. He noted the restrictive covenants being discussed refer to Lake Villa Estates only.

Ron Blessing of Kearney stated the covenants are perpetual in nature unless they are voted down by the Homeowner's Association and feels Mr. Cook's past developments do not fit the current neighborhood and therefore does not want lots and homes of this size located in Lake Villa.

Margaret Renner of Kearney stated she and her husband purchased the property next to the proposed development for \$350,000 as their first home and are proud to live there. She noted the proposed lots are not any closer to the Interstate than her property and did not feel the Interstate decreased the value of her lot.

Jett Thompson of Kearney feels what Mr. Cook is proposing does not fit the neighborhood. He noted the community is a prideful community that was built and established a long time ago on the premise of being an elite community. The neighborhood has stood the test of time and residents are strongly opposed to this proposed Addition. Mr. Thompson stated that neither Mr. Geweke nor the City Attorney can decide this and requested the Mayor and Council consider the Lake Villa community and the pride that residents have in the neighborhood when making a decision.

Mr. Tye reviewed what restrictive covenants are, what they apply to and stated the City of Kearney does not enforce covenants as covenant restrictions sometimes go beyond what City Code requires. Homeowner's Associations enforce their own covenants; determination of where these covenants apply is between the Developer and the Homeowner's Association. Disputes regarding restrictive covenants are decided either between the Homeowner's Association and the property owner or in a court of law. Mr. Tye also noted that the City Attorney does not review restrictive covenants since they are

not something the City of Kearney enforces in any way. The City Council deals only with City Code and how the Code applies to the property being developed; covenants are a matter for the Homeowner's Association to deal with on their own.

Council Member Randy Buschkoetter commented there are many subdivisions that have covenants which border a subdivision that does not have covenants, meaning there is a boundary to where covenants end. Mr. Tye agreed there is a boundary to covenants that is confined to the area that a Developer is developing and where they want the covenants to apply.

Council Member Tami Moore stated she has built homes in this area and had to have plans approved by the City to assure the plans met City Code, including zoning; the plans were then presented to the Homeowner's Association to ensure they also met the covenant requirements in place. City Council enforces City Codes that maintain fairness for all builders in Kearney; covenants are the next level and are a civil matter. The issue in front of the Mayor and Council is whether the Cook's have met City Code and have they met all of the building requirements in place within the City of Kearney. She further stated with regard to covenants, what is being expected of the Mayor and Council Members this evening is something they really cannot do.

Vic Young of Kearney stated he lives in a home that is one of three (3) houses built in the last three (3) years and noted when he built his home he followed the covenants. He feels the proposed lot size reduces the valuation of the houses and the Developer should have to follow the same guidelines that everyone else has followed.

Marv Dawes of Kearney questioned if the proposed Addition called Lake Villa Estates Fifth Addition would have to be part of Lake Villa due to its name, or could it be separate from the rest of Lake Villa and still be called Lake Villa Estates Fifth? Council Member Buschkoetter stated that was correct, the proposed Addition could contain the same name as the current Lake Villa but not be a part of the current Lake Villa development. Mr. Tye also agreed and said it could be a separate Addition.

Mr. Dawes further questioned if the size of lots in Kearney vary from neighborhood to neighborhood and asked if the 75-foot lot is what Code states? Mr. Tye stated that the proposed lot sizes comply with City Code.

Mark Dissmeyer of Kearney stated he does not understand why Council would allow and approve 75-foot by 110-foot lots if most everything is platted as larger lots in the area? Mr. Dissmeyer stated he does not feel the community needs starter homes, but instead needs big homes like are there now; smaller lots and smaller houses are not going to be good a fit for the neighborhood.

Council Member Nikkila stated the character of a neighborhood is taken into consideration when Council approves developments; zoning designations have been created for the purpose of ensuring what is built fits the character of where the development occurs. The City has spent years developing what R-1 zoning means and what the minimum specifications are, which is what the Developer in this instance has complied with. Determining neighborhood by neighborhood what each neighborhood's character is and what it means to fit the character of each neighborhood can create problems and

becomes very subjective. If the request before Council was to rezone the proposed lots to R-2 where duplexes could be built, it would not fit the neighborhood and would therefore not be approved. He does not believe, in this instance, City Council has the ability beyond what is established in R-1, to determine that the proposed lots do not fit in this neighborhood.

Mayor Clouse stated Council approves or denies what they are able to by law. Additionally, when bigger lots are developed some people do not like them because taxes are higher along with higher costs associated with the installation of water, sewer and paving which is why there are not a lot large sized of lots all over town. He stated what Council has to approve is whether these proposed lots meet City Code according to R-1 standards, which they do.

Council Member Buschkoetter stated there is no real legal basis for Council to say no to the proposed Addition.

Council Member Bruce Lear asked Mr. Tye, when Council has a development that meets City Code and Council does not approve it, what is the next step for the Developer? Mr. Tye stated if Council were to deny the application, the Developer could either come back with a different proposal for the development, or pursue a case in District Court to obtain approval for the development if they felt Council had abused their discretion.

Mr. Geweke believes it is in Council's discretion to ask the Developer to bring back a development of three (3) lots instead of five (5) in order to increase the lot sizes and to be consistent with the protective covenants and the rest of the community.

Mr. Thompson stated the proposed lots do not abut the Interstate and feels that is misleading in the application. He feels even though the proposed Addition is not part of Lake Villa, the intent is to market and profit from the name Lake Villa which is a misleading factor. Because the community is a one way in, one way out community, it is different from other communities in Kearney as they can be somewhat separated or segregated in different fashions.

Mr. Peister suggested this matter be tabled and that Mr. Snow discuss with the Cook's reducing the number of proposed lots in addition to providing a copy of their covenants for the residents to review so both sides could potentially come together.

Samantha Moore of Kearney noted current lots in Lake Villa are much larger and are separated by trees, so this development is not right for the neighborhood when comparing houses around it, along with the distance between. Ms. Moore also stated they live near the Interstate and it did not harm the value of her home or make lessen the price.

Mayor Clouse asked why this public hearing was previously postponed? Mr. Tye stated it was postponed because the Applicants requested the postponement. Mr. Snow stated the Applicants requested it be postponed because they had not had a chance to review the Subdivision Agreement; the Subdivision Agreement includes the costs of improvements for paving and water, which are the responsibility of the Developer.

Mayor Clouse asked Mr. Snow if he felt the Developer would be willing to develop three (3) lots? Mr. Snow does not believe the Developer will want to make any changes to the proposed Addition and further noted that the Preliminary Plat was previously presented to the Planning Commission; however, this was the first time he and the Applicants were made aware that there was this much opposition to it. He further commented the proposed Addition as it has been presented does meet the R-1 Code requirements.

Council Member Lear stated he can empathize with why there are concerns as this proposed new development presents a different look and feel than what exists but the concerns are related to covenants that are not drafted nor enforced by the City. He stated the City has Zoning Codes in place and if a proposed project does not meet those Codes, Council may deny the project. There have been plenty of past examples that show Council has gone either way with their direction; this particular proposal, as presented, meets the zoning rules that have been laid out by the City.

Mayor Clouse stated Council does not have as much power as people may think when hearing items that pertain to legal issues and in this instance, the City would not be a part of any litigation since the proposed development meets City Code.

Michael Morgan, City Manager stated Council has the discretion to postpone this matter giving both sides an opportunity to have further discussion; Council just cannot set expectations of either side. Mr. Tye agreed with Mr. Morgan and stated Council always has the option to postpone an item on any matter they feel they need more information on. He explained all parties need to understand that the matter is not being tabled with any conditions; however, if Council feels postponement might give more opportunity for conversations between both sides that would be acceptable.

Moved by Clouse seconded by Lear to postpone Public Hearing 1 pertaining to the Final Plat and Subdivision Agreement for Lake Villa Estates Fifth located North of Emerald Drive and East of Tahoe Drive to the November 9, 2021 City Council meeting. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

DEVELOPMENT OF FOUNTAIN HILLS FOURTEENTH ADDITION

Mayor Clouse stated the City received notification from the Applicant and Developer requesting to withdraw the applications submitted by Miller & Associates for Eagle Gate Partners, LLC, a Delaware Limited Liability Company, as Trustee of the EGC 1 Trust, for Public Hearings 2 and 3 pertaining to the development of Fountain Hills Fourteenth Addition located East of 11th Avenue between 50th Street and 55th Street.

Moved by Moore seconded by Lear to withdraw the applications submitted by Miller & Associates for Eagle Gate Partners, LLC, a Delaware Limited Liability Company, as Trustee of the EGC 1 Trust for Public Hearings 2 and 3 pertaining to the development of Fountain Hills Fourteenth Addition located East of 11th Avenue between 50th Street and 55th Street. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear abstain. Motion carried.

1. Approve Minutes of Regular Meeting held October 12, 2021.
2. Approve the following Claims:

PS	Personnel Services
SMCS	Supplies, Materials & Contractual Services
ER	Equipment Rental
CO	Capital Outlay
DS	Debt Service

1000 Bulbs \$242.81 smcs; 123 Security \$318.98 smcs; Ace Irrigation \$1,611.45 smcs,co; Action Targets \$95.29 smcs; Acushnet \$2,343.05 smcs; Adobe \$29.99 smcs; Advance Auto \$28.11 smcs; Ag Dryer \$1,700.00 smcs; Air Horn Grov \$72.00 smcs; Alfred Benesch \$76,831.57 co; All City Garage Door \$1,294.85 smcs; All Copy \$367.89 smcs; All Makes Auto \$1,164.50 smcs; Ally B Design \$125.00 smcs; Altec \$748.76 smcs; Alvarado,C \$125.56 smcs; Amazon \$45,635.73 smcs,co; American \$531.22 smcs; American Planning \$346.00 smcs; Anderson Brothers \$488.43 smcs; Anderson Rentals \$6.23 smcs; Andrews,K \$338.15 smcs; Apex Aviation \$229.75 smcs; Apple \$0.99 smcs; Aramark Uniform \$427.77 smcs; Arbor Day Foundation \$35.00 smcs; Arrow Seed \$5,341.00 smcs; Ask Supply Co. \$930.94 smcs; Assoc. Threat Assessment \$225.00 smcs; Associated Bag Co. \$876.04 smcs; AT AP Worldwide \$50.00 smcs; Aurora Coop \$127.84 smcs; Autel Robotics \$194.00 smcs; Authorize.net \$10.00 smcs; Auto Value \$304.68 smcs; Axon \$375.00 smcs; B&H Photo \$13,566.87 smcs,co; Baker & Taylor \$4,611.01 smcs; Baristas \$400.00 smcs; Battery Guy \$88.65 smcs; Beins, Dave \$47.20 smcs; Bender Enterprises \$88.00 smcs; Bill's Trailer Sales \$7,582.00 smcs; Black Stone \$1,019.54 smcs; Blessing \$690,962.52 co; Blick Art \$204.49 smcs; BlueCross BlueShield NE \$113,473.70 smcs; Book Page \$882.00 smcs; Bosselman \$30,399.34 smcs; Bpad Group \$875.00 smcs; Bradley Rentals \$100.86 smcs; Brand Mgmt. Group \$979.52 smcs; Brazeale, Caleb \$82.49 smcs; Brick Street Enterprises \$9.41 smcs; Brimlow,M \$17.95 smcs; Broadcast Music \$331.20 smcs; Brock,J \$100.00 smcs; BSN Sports \$316.42 smcs; Bucks \$26.68 smcs; Buffalo Co. Sheriff \$197.20 smcs; Buffalo Outdoor Power \$1,807.65 smcs,co; Builders \$3,560.25 smcs,co; Bulb Connection \$54.29 smcs; Cab store \$111.18 smcs; Camera Doctor \$78.95 smcs; Candlewood Suites \$1,438.08 smcs; Card My Yard \$85.00 smcs; Carolina Software \$650.00 co; Carquest \$96.05 smcs; Carrot Top Indust. \$254.13 smcs; Casey's \$264.23 smcs; Cash-Wa \$770.95 smcs; CCI Solutions \$452.00 smcs; CDW Govt. \$1,332.74 smcs,co; Cedarville University \$700.00 smcs; Cenex \$87.37 smcs; Center Point Large Print \$77.91 smcs; Central District Health \$4,055.50 smcs; Central Hydraulic \$7.38 smcs; Central NE Bobcat \$493.28 ps; Central NE Rehab \$150.00 smcs; Central States Wire \$3,225.80 smcs; Chemsearch \$319.00 smcs; Chesterman \$545.50 smcs; Child's World \$1,835.50 smcs; Choice Paint \$113.43 smcs; Cintas \$255.44 smcs; City of Ky \$11,127.13 smcs; City Plumbing \$152.25 smcs; Cleveland EQ \$1,678.00 co; Clipper Publishing \$54.00 smcs; CMH Interiors \$1,730.15 smcs; Comcate \$2,390.99 smcs; Comfy Bowl \$131.88 smcs; Conoco \$45.72 smcs; Consolidated Mgmt.

\$751.44 smcs; Construction Rental \$1,288.09 smcs,co; Control Yours \$300.00 smcs; Copycat Printing \$1,673.20 smcs; Core & Main \$7,390.39 smcs; Country Inn \$171.36 smcs; Country Partners \$44,441.15 smcs; Cox,C \$104.55 smcs; Crown Awards \$199.55 smcs; Crystal Clean \$158.21 smcs; Culligan \$269.34 smcs; Cummins \$1,272.64 smcs; Cunningham's Journal \$220.00 smcs; Cutter & Buck \$775.84 smcs; Cutting Edge Cleaning \$192.50 smcs; Danko \$953.79 smcs,ps; Dan's Plumbing \$914.64 smcs; Data Power \$788.32 smcs; Dawson Public Power \$44,920.19 smcs; Daylight Donuts \$58.72 smcs; Dell \$3,778.24 smcs,co; Demco \$1,269.14 smcs; Depository Trust Co. \$409,598.75 ds; Deterdings \$2,942.73 smcs; Dish \$128.06 smcs; Dollar Tree \$101.76 smcs; Dowhy Towing \$100.00 smcs; Duluth Trading \$417.20 smcs; Dunkin Donuts \$50.00 smcs; Eagle Distributing \$492.25 smcs; Eakes \$4,694.72 smcs; Earl May \$2,316.50 smcs; Easy Picker \$194.41 smcs; Economy Candy \$94.62 smcs; Eileen's Cookies \$27.25 smcs; Elliott Equipment \$563.13 smcs; Embassy Suites \$150.59 smcs; Entenmann-Rovin \$1,837.00 smcs; Enterprise \$296.03 smcs; Eureka,T \$61.00 smcs; Eustis Body Shop \$100.00 smcs; Everett,C \$53.76 smcs; Expression Wear \$502.00 ps; Exxonmobil \$24.49 smcs; Eyemed \$1,376.85 smcs; Facebook \$71.00 smcs; Fairfield Inn \$494.16 smcs; Fastenal \$224.45 smcs; Felsburg Holt & Ullevig \$8,017.50 smcs; Feusner,J \$14.76 smcs; Fimco Schaben \$41.27 smcs; Firehouse Subs \$39.79 smcs; First United Methodist \$3.67 smcs; Fong,D \$78.20 smcs; Forestry Suppliers \$212.47 smcs; Fountain Hills Property \$73.33 smcs; Fresh Grass \$68.00 smcs; Frontier \$7,329.64 smcs; Fun Express \$551.80 smcs; Gale \$1,360.36 smcs; Galeton \$1,136.33 smcs; Galls \$2,630.93 smcs; Gammon Technical \$125.66 co; Garrett Tires \$14,967.57 smcs; Geisinger,J \$68.52 smcs; Geist,K \$60.69 smcs; Glenn,L \$40.64 smcs; Glock \$552.00 smcs; Golf Course Supt. \$205.00 smcs; Govt. Finance Officers \$135.00 smcs; Gracie University \$895.00 smcs; Graham Tire \$700.05 smcs; Grainger \$3,143.54 smcs; Graphic Vision \$3,092.88 smcs; Gus Top Mission \$19.83 smcs; Hake,H \$22.37 smcs; Hall Weapon Systems \$96.30 smcs; Hardware Resources \$916.88 smcs,co; Heggemeyer,L \$26.74 smcs; Hilton \$670.20 smcs; Hinojosa,J \$250.00 smcs; HOA Solutions \$335.98 smcs; Hobby Lobby \$3,637.39 smcs; Holiday Inn \$894.05 smcs; Holmes Plumbing \$2,315.66 smcs; Home Depot \$891.95 smcs,co; Hometown Leasing \$529.56 smcs; Hooker Bros. \$554.80 smcs; House,L \$134.28 smcs; HTS Ag \$898.00 smcs; Huff's Airport Windsocks \$352.75 smcs; Humanities NE \$150.00 smcs; Hunter Central \$109.00 smcs; Hy-Vee \$198.38 smcs; IAPE \$345.00 smcs; ICMA Membership \$1,400.00 smcs; Inst. Of Police Tech \$895.00 smcs; Integrated Security \$10,330.77 smcs; IPMA-HR \$417.00 smcs; IT Pro TV \$1,886.00 smcs; IT-Straps-on \$606.35 smcs; J & A Traffic \$2,370.00 smcs; Jack Lederman \$533.20 smcs; Jack's Uniforms \$1,844.34 smcs; Jay S Uniforms \$1,172.66 smcs; JJ Keller \$81.31 smcs; Johnson Landscaping \$3,198.78 smcs; Johnson,L \$32.15 smcs; Johnstone Supply \$1,061.89 smcs; Jones Automotive \$615.47 smcs; Juice Stop \$100.00 smcs; Kamler,M \$100.00 smcs; Ky Concrete \$17,169.40 co; Ky Ace \$219.66 smcs; Ky Area Animal \$20,909.00 smcs; Ky Chamber Comm. \$500.00 smcs; Ky Concrete \$947.86 smcs; Ky Crete & Block \$2,920.62 smcs; Ky Noon Rotary \$140.00 smcs; Ky Rental Pros \$62.97 smcs; Ky Tire \$1,473.73 smcs; Ky Towing \$750.00 smcs; Ky Winlectric \$7,176.65 smcs,co; Ky Winnelson \$2,165.23 smcs,co; Kehl,S \$100.00 smcs; Kellen,A \$30.80 smcs; Kelly Supply \$1,095.17 smcs; Kimball Midwest \$146.15 smcs; K-Log \$3,534.40 smcs; Knox Company \$524.00 smcs; KOLN TV \$700.00 smcs; Konica Minolta \$640.10 smcs; Kraeger,L \$50.00 smcs; Laguna,A \$100.00 smcs; Lakeshore Learning \$270.67 smcs; Landmark Implement \$2,170.12 smcs; Langley,J \$14.07 smcs; League of NE Municipalities \$422.00 smcs; Lee NE Media \$1,745.37 smcs; Lego Brand \$117.04 smcs; Li'l Red Aero \$80.00 smcs; Lion Group \$122.30 smcs; Lodge

At Deadwood \$921.76 smcs; Longleaf Services \$175.20 smcs; Lundeen-Isaacson \$389.76 ps; Macqueen Equipment \$239,378.00 co; Mallory Safety \$108.00 smcs; Marlatt Machine \$728.35 smcs; Marriott \$1,188.01 smcs; Masters True Value \$768.34 smcs,co; Matt Friend Truck \$1,117.74 smcs; McElhinney Buillders \$14.38 smcs; Menards \$4,227.40 smcs,co; Merrill Company \$431.80 smcs; Michaels \$219.25 smcs; Microsoft \$529.70 co; Mid American Signal \$10,263.00 smcs; Mid-Plains Comm. College \$675.00 smcs; Midwest Connect \$278.36 smcs; Midwest Service \$1,674.05 smcs; Milco Environmental \$1,833.10 smcs; Miller & Associates \$1,000.00 co; Miller Signs \$75.00 smcs; Miller,M \$78.86 smcs; Minitex \$1,358.00 smcs; Minnesota Trapline \$30.95 smcs; Mirror Image \$332.76 smcs; MO State Hwy Patrol \$101.50 smcs; Moonlight Embroidery \$1,264.50 smcs; Moore,I \$3.03 smcs; Mountain High Equipment \$195.10 smcs; Municipal Emergency \$875.00 smcs; Municipal Supply \$16,396.60 smcs; Murphy Tractor \$2,745.41 smcs; Mytee Products \$148.01 smcs; Nat'l Alliance Youth Sports \$20.00 smcs; Nat'l Org. Victim Assistance \$140.00 smcs; Nat'l Pump Supply \$691.45 smcs; NE Dept. of Revenue \$76,909.26 smcs; NE Dept. Environmental \$20,415.80 smcs; NE IAEI \$255.00 smcs; NE Library Assn. \$98.00 smcs; NE Library Commission \$3,376.10 smcs; NE Machinery \$6,310.01 smcs; NE Peterbilt \$1,453.94 smcs; NE Planzone \$990.00 smcs; NE Police Officers' Assn. \$750.00 smcs; NE Safety \$150.00 smcs; NE State Treasurer \$1,640.26 smcs; NE Statewide Arboretum \$280.80 smcs; NE Truck Center \$6,220.32 smcs; Nelson's Furniture \$150.00 co; Network Solutions \$15.99 smcs; Northwestern Energy \$437.41 smcs; Nutrien Ag \$229.47 smcs; OCLC \$779.76 smcs; Office Max \$2,263.45 smcs,co; Officenet \$87.63 smcs; OGS Technologies \$72.96 smcs; Olsson \$1,932.50 co; Open VPN \$504.00 smcs; Optics Planet \$123.67 co; O'Reilly Auto \$5,763.39 smcs; Orkin \$144.45 smcs; Orscheln \$422.58 smcs,co; Otto Environmental \$34,395.00 smcs; Out of Print \$58.21 smcs; Paramount \$104.42 smcs; Parzych,J \$9.02 smcs; Paulsen \$2,530,462.78 co; Peerless Machine \$225.00 smcs; Penworthy \$441.12 smcs; Pep Co. \$300.00 smcs; Pet Pick Ups \$1,193.96 smcs; Petsmart \$199.96 smcs; Phillips 66 \$135.72 smcs; Pickleball Central \$78.27 smcs; Pioneer Woman Magazine \$18.00 smcs; Pitney Bowes \$1,070.05 smcs; Platinum Awards \$97.20 smcs; Platte Valley Auto \$38.95 smcs; Poster My Wall \$29.95 smcs; Potter,B \$100.00 smcs; Power Tech \$1,950.00 smcs; Presto-X \$264.00 smcs; Prime Comm. \$799.82 smcs; Proactive Sports \$591.63 smcs; Proactive Training \$298.00 smcs; Promotions Now \$335.18 co; Provantage \$2,201.49 co; Pump & Pantry \$12.83 smcs; Qdoba \$100.00 smcs; Quill \$1,334.51 smcs; Quintana,E \$172.48 smcs; Race Clock \$99.00 smcs; Ramada Inn \$880.94 smcs; Ravenna Sanitation \$24.50 smcs; RDG Planning \$8,917.50 co; Read Aloud NE \$37.00 smcs; Ready Mixed Concrete \$9,589.75 co; Reams \$1,558.38 smcs; Recreonics \$398.48 smcs; Redbox \$5.19 smcs; Redman's Shoes \$470.98 smcs,co; Regal Advertising \$59.72 smcs; Reinkes Heating \$37.25 smcs; Rentokil \$44.00 smcs; Roesler,A \$53.50 smcs; Rourke Educational Media \$77.00 smcs; Rubicon Global \$1,466.50 smcs; S2O Design & Engineering \$980.00 smcs; Safety Products \$95.12 smcs; Sandry Fire \$159.10 smcs; Scholastic Education \$233.00 smcs; Setcom \$361.09 smcs; Seth Killion Construction \$34.70 smcs; Shanks Lawn \$137.59 smcs; Sheen,C \$6.37 smcs; Shell Oil \$30.00 smcs; Sherwin Williams \$56.18 smcs; Shoptoro Co. \$301.43 smcs; Shredding Solutions \$127.80 smcs; SignIt \$127.00 smcs; Silver State Consulting \$125.00 smcs; Silverstone \$6,405.91 smcs; Sister Cities \$610.00 smcs; SiteOne \$86.57 smcs; Skywest \$239,384.54 smcs; Slumberland \$1,393.00 co; Sobieszky,B \$21.82 smcs; Society Human Resource \$219.00 smcs; Sophia's House Pancake \$31.73 smcs; SOS Portable Toilets \$1,135.00 smcs; South Central Diesel \$1,204.87 smcs; Spectrum \$1,022.86 smcs; Sprinkler Warehouse \$156.01 smcs; Steinbrink Landscaping

\$12,719.76 smcs,co; Stubbs,S \$1.52 smcs; Stutsman \$1,098.00 smcs; Summit Window Cleaning \$625.00 smcs; Sunbelt Rentals \$1,053.47 smcs; Sunset Law Enforcement \$7,013.60 smcs; Super Seer \$1,026.80 smcs; Supply House \$382.67 smcs; Tamayo,J \$78.91 smcs; Target \$1,427.99 smcs; Thibodeau,T \$32.51 smcs; Thompson,D \$100.00 smcs; Thurston Heating \$634.60 smcs; Titan Machinery \$298.08 smcs; TK Elevator \$480.82 smcs; Tour Edge Golf \$863.00 smcs; Tractor Supply \$781.84 smcs,co; Transunion \$111.50 smcs; Trausch Dynamics \$367.18 smcs; Trex Mart \$32.49 smcs; Trittech Forensics \$113.27 smcs; Turner Body Shop \$344.90 smcs; Tys Outdoor Power \$16.16 smcs; Union Bank & Trust \$2,000.00 smcs; Unique \$170.05 smcs; United Industries \$1,446.00 smcs; USA Comm. \$475.24 smcs; USPS \$687.26 smcs; Vasquez,M \$566.47 smcs; Venger Tactical \$630.00 smcs; Vermeer \$1,251.94 smcs; Village Services \$203.58 smcs; Virtra \$12,771.61 smcs; Vose,T \$33.73 smcs; VVS \$223.95 smcs; VW Golf \$1,126.30 smcs; Walgreens \$11.98 smcs; Wal-mart \$1,435.40 smcs,co; Walters Electric \$1,580.32 smcs; Ward Laboratories \$20.00 smcs; Warren-T Plumbing \$720.00 co; Wastecorp Pumps \$163.02 smcs; Waterlink \$682.12 smcs; Weber,M \$11.95 smcs; Webstaurant Store \$153.33 smcs; Wells Fargo \$1,500.00 smcs; Westheffer Co. \$75.68 smcs; When to Work \$49.00 smcs; World Theatre \$200.00 smcs; WPCI \$375.50 ps; WT Cox Information \$28.02 smcs; Yanda's \$69.00 smcs; Yant Equipment \$270.00 smcs; Yoga Access \$388.68 smcs; Zero waste \$833.43 smcs; Zetx \$2,400.00 smcs; Zoho Corp. \$1,431.66 smcs; Zoro Tools \$355.70 smcs; Payroll Ending 10/09/2021 -- \$550,341.54. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set November 9, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2021-199 approving Change Order No. 1 showing an increase in the amount of \$1,472.00 submitted by Paulsen, Inc. and approved by Alfred Benesch and Company for Airport Improvement Program/CARES Act Project (No. 3-31-0045-034) in connection with the Parking Lot Expansion project at the Kearney Regional Airport.

RESOLUTION NO. 2021-199

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with Parking Lot Expansion project at the Kearney Regional Airport (Airport Improvement Program/CARES Act Project No. 3-31-0045-034), and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$1,472.00 (contingent upon FAA concurrence/approval) as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 997,448.50
Change Order No. 1 10-26-2021)	<u>+ 1,472.00</u>
Total New Revised Contract Amount	\$ 998,920.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A" be and is hereby accepted and approved (contingent upon FAA

concurrence/approval).

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

5. Approve the Agreement for Operation between the City of Kearney and with Brown Leasing Co., Inc. dba Thrifty Car Rental for Building for rental of space to conduct on-airport car rental concessions at the Kearney Regional Airport and adopt Resolution No. 2021-200.

RESOLUTION NO. 2021-200

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Agreement for Operation of an On-Airport Car Rental Concession at the Kearney Regional Airport on behalf of the City of Kearney, Nebraska, with Brown Leasing Co., Inc. dba Thrifty Car Rental for rental of space to conduct on-airport car rental concessions at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

6. Accept the bids received for the Yanney Park Maintenance Building and adopt Resolution No. 2021-201 awarding the bid to Duncan Theis Construction, Inc. in the amount of \$514,038.00.

RESOLUTION NO. 2021-201

WHEREAS, Olsson and the City of Kearney have reviewed the sealed bids which were opened on October 5, 2021 at 2:00 p.m. for the Yanney Park Maintenance Building; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$463,000.00; and

WHEREAS, Olsson and the City have recommended the low bid offered by Duncan Theis Construction, Inc. of Kearney, Nebraska in the amount of \$514,038 be accepted even though it is higher than the Engineer's Opinion of Probable Construction Cost, given the volatile prices in today's marketplace, Olsson's feels the bid is fair and competitive for the Yanney Park Maintenance Building.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Duncan Theis Construction, Inc. be and is the lowest responsible bidder for the Yanney Park Maintenance Building to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Duncan Theis Construction, Inc. in the amount of \$514,038.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$463,000.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

7. Adopt Resolution No. 2021-202 approving Application and Certificate for Payment No. 2 in the amount of \$311,338.43 submitted by Dan Roeder Concrete and approved by Olsson for 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.

RESOLUTION NO. 2021-202

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue, and the City’s engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$311,338.43 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$948,280.50
Change Order No. 1 (5/25/2021)	+ <u>18,440.00</u>
Contract Sum To Date	966,720.50
Gross Amount Due	934,489.50
Retainage (5%)	- <u>46,724.47</u>
Amount Due to Date	887,765.03
Less Previous Certificates for Payment	- <u>576,426.60</u>
Current Payment Due	\$311,338.43

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine tAhat Application and Certificate for Payment No. 2, as shown on Exhibit “A” be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

8. Adopt Resolution No. 2021-203 approving Application and Certificate for Payment No. 1 in the amount of \$139,072.50 submitted by submitted by Dan Roeder Concrete and approved by Olsson for 2021 Part 2 Improvements; Pony Express Road.

RESOLUTION NO. 2021-203

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2021 Part 2 Improvements; Pony Express Road, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$139,072.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$294,626.00
Contract Sum To Date	294,626.00
Gross Amount Due	154,525.00
Retainage (10%)	- 15,452.50
Amount Due to Date	139,072.50
Less Previous Certificates for Payment	- .00
Current Payment Due	\$139,072.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

9. Adopt Resolution No. 2021-204 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with KAAPA Ethanol Holdings, LLC, for a parcel of land being Lots 1 and 2, Block 2, Lake Villa Estates an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-204

WHEREAS, on the 13th day of November, 2018 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2018-169 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and KAAPA Ethanol Holdings, LLC, to construct a water main to serve a parcel of land being Lots 1 and 2, Block 2, Lake Villa Estates an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for a water main to serve the property

described a parcel of land being Lots 1 and 2, Block 2, Lake Villa Estates an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

10. Adopt Resolution No. 2021-205 approving Change Order No. 3 showing an increase in the contract time to reflect 13 total additional calendar days being added to the total calendar days allotted for "all work (Phase 1 thru Phase 4)" due to precipitation and subsequent delays throughout the duration of Phase 1A and combining Phase 3A and Phase 4A into a single (final) phase submitted by Paulsen, Inc. and approved by Alfred Benesch and Company for AIP Project No. 3-31-0045-032 in connection with the Taxiway 'A' & Connecting Taxiway Rehabilitation project at the Kearney Regional Airport.

RESOLUTION NO. 2021-205

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with Taxiway 'A' and Connecting Taxiways Rehabilitation (AIP 3-31-0045-032) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 3 showing an increase in the contract time to reflect 13 total additional calendar days being added to the total calendar days allotted for "all work (Phase 1 thru Phase 4)" due to precipitation and subsequent delays throughout the duration of Phase 1A and combining Phase 3A and Phase 4A into a single (final) phase as shown on Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

11. Accept the Proposals received for the purchase and installation of a truck scale at the Kearney Area Solid Waste Agency Landfill and award the Proposal submitted by Fairbanks Scales in the amount of \$225,806.00.

12. Adopt Resolution No. 2021- 206 approving Application and Certificate for Payment No. 1 in the amount of \$131,049.96 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

RESOLUTION NO. 2021-206

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$131,049.96 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,343,960.00
Contract Sum To Date	2,343,960.00
Gross Amount Due	145,611.06
Retainage (10%)	- 14,561.11
Amount Due to Date	131,049.96
Less Previous Certificates for Payment	0.00
Current Payment Due	\$ 131,049.96

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

13. Approve the purchase of a 2022 Elgin Whirlwind Street Sweeper on a 2021 Freightliner M2 Chassis in the amount of \$239,378.00 submitted by Nebraska Environmental Products under the Sourcewell Cooperative Purchasing Contract program to be used in the Public Works Department.

14. Adopt Resolution No. 2021-207 approving Change Order No. 1 showing a decrease in the amount of \$2,724.00 and increasing the substantial completion date to December 7, 2021 and the final completion date to December 15, 2021 and Application and Certificate for Payment No. 5 in the amount of \$98,478.90 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

RESOLUTION NO. 2021-207

WHEREAS, RMV Construction of Kearney, Nebraska has performed services in connection with the Wastewater Treatment Plant Phase II; Vehicle Storage Building, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 increasing the substantial completion date to December 7, 2021 and the final completion date to December 15, 2021 and showing a decrease to the contract sum in the amount of \$2,724.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$98,478.90 as shown

on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,516,900.00</u>
Contract Sum To Date	1,516,900.00
Gross Amount Due	809,660.00
Retainage (9.6%)	<u>- 78,405.50</u>
Amount Due to Date	731,254.50
Less Previous Certificates for Payment	<u>- 632,775.60</u>
Current Payment Due	\$ 98,478.90

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A” and Application and Certificate for Payment No. 5, as shown on Exhibit “B” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

15. Accept the bids received for the 2022 Part 1 Improvements; 48th Street and adopt Resolution No. 2021-208 awarding the bid to Dan Roeder Concrete for the Base Bid and Alternate Bid B in the amount of \$796,683.00.

RESOLUTION NO. 2021-208

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 19, 2021 at 2:00 p.m. for the 2022 Part 1 Improvements; 48th Street consisting of new sanitary sewer, water main, storm sewer, and street paving starting from Avenue N, and continuing approximately 500 ft east (Base Bid and Alternate Bid A or Alternate Bid B); and

WHEREAS, the original Engineer’s Opinion of Probable Construction Cost for the project, that did not include temporary pavement for traffic control and additional sidewalk and curb replacement and were added via addendum, was \$520,865.00; and

WHEREAS, the revised Engineer’s Opinion of Probable Construction Cost to include temporary pavement for traffic control and additional sidewalk and curb replacement, added via addendum, was increased to \$586,845.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$796,683.00 be accepted as the lowest responsible bid for 2022 Part 1 Improvements; 48th Street (Base Bid and Alternate Bid B); and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Dan Roeder Concrete (Base Bid and Alternate Bid B) be and is the lowest responsible bidder for the 2022 Part 1 Improvements; 48th Street consisting of new sanitary sewer, water main, storm sewer, and street paving starting from Avenue N, and continuing approximately 500 ft east (Base Bid and Alternate Bid A or Alternate Bid B) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete (Base Bid and Alternate Bid B) in the amount of

\$796,683.00 be and are hereby accepted.

BE IT FURTHER RESOLVED the revised Engineer’s Opinion of Probable Construction Cost for \$586,845.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

16. Adopt Resolution No. 2021-209 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Joshua Graczyk, Member/Manager and Kristen Graczyk, Member/Manager, both of Graczyk Properties, L.L.C., a Nebraska Limited Liability Company for Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-209

WHEREAS, on the 14th day of April, 2020 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2020-51 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Graczyk Properties, L.L.C., to construct a water main to serve Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 “Acceptance of Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for a water main to serve the property described as Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 26TH DAY OF OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

17. Approve the purchase of two Toro Greensmasters, TriFlex 3300 Hydraulic with related equipment (\$82,105.04) and the purchase of a Toro Groundsmaster 3500-D Complex Mower (\$36,972.78) in the total amount of \$119,077.82 submitted by Midwest Turf & Irrigation under the Sourcewell Cooperative Purchasing Contract program to be used at Meadowlark Hills Golf Course.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8521 AMENDING SECTION 8-915.2 "SNOW EMERGENCY ROUTES" OF ARTICLE 9 "STOPPING, STANDING AND PARKING" OF CHAPTER 8 "POLICE"

Council Member Clouse introduced Ordinance No. 8521 amending Section 8-915.2 "Snow Emergency Routes" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code to amend sections of the Emergency Routes including the removal of the following street: Country Club Lane from 39th Street to North City Limits; the extension of the route on the following streets: 48th Street from 11th Avenue to Avenue N, Country Club Lane from 24th Street to 50th Street; and the addition of the following street: 50th Street from 11th Avenue to Country Club Lane, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for Ordinance No. 8521. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8521 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8521 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8521 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claims in the amount of \$157.06 payable to Stanley Clouse and \$97,712.32 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore.

Nay: None. Clouse abstain. Motion carried.

VII. REPORTS

Mr. Morgan provided a brief overview and updates on various projects.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:57 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

**STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR**

**LAUREN BRANDT
CITY CLERK**

STOWELL, GEWEKE & PISKORSKI, P.C., L.L.O.

ATTORNEYS AT LAW

1545 M Street

P.O. Box 40

Ord, Nebraska 68862-0040

www.ordlawfirm.com

Robert D. Stowell
Barry D. Geweke
Jessica L.V. Piskorski

Phone: (308) 728-3246

Fax: (308) 728-3587

RECEIVED
10/26/2021
LB

October 26, 2021

Mayor Stanley Clouse
4907 Linden Place Drive
Kearney, NE 68847
C: (308) 627-6730
EM: mayor@kearneygov.org

Randy Buschkoetter
1110 13th Ave.
Kearney, NE 68845
C: (308) 440-0358
EM: citycouncil@kearneygov.org

Bruce Lear
4803 L. Ave.
Kearney, NE 68847
C: (308) 234-5354
EM: citycouncil@kearneygov.org

Tami James Moore
704 10th Ave.
Kearney, NE 68845
C: (308) 440-6992
EM: citycouncil@kearneygov.org

Jonathan Nikkila
4 Regency Place
Kearney, NE 68847
C: (308) 224-4309
EM: citycouncil@kearneygov.org

RE: Lake Villa Estates

Greetings:

Lake Villa Estates Fifth Addition should be bound by the declaration of protective covenants and conditions for Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska filed December 15, 1978, Roll 78, Page 9276 ("Protective Covenants") and amendments thereto including the Amendment filed January 8, 1980 in Roll 80, Page 123, Buffalo County, Nebraska. If Mr. and Mrs. Cook will abide by the Protective Covenants their development should be welcomed. However, Lake Villa Estates Fifth Addition as proposed by the Cooks should not be allowed.

LAKE VILLA ESTATES

The Protective Covenants site in part: “Howard A. Connell and Betty J. Connell, husband and wife, being the owners of all of the tract of land known as Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, said addition being located in, and part of Government Lots 2, 3, 4 and 5, all in Section 13, and accretion thereto in Township 8 North, Range 16 west of the 6th P.M., Buffalo County, Nebraska...stipulate and agree that **any and all lots in said addition shall be and are subject to the following protective covenants...**” (emphasis added).

Attached as **Exhibit A** is a map of Lake Villa Estates on file with the City of Kearney. The Preliminary Plat shows the “18 acres” on which the development at issue is proposed contained two Lagoons. A survey of the 18 acres containing the Lagoons was filed August 9, 2013. A copy of the Survey is attached as **Exhibit B**. Subsequently, it was sold by Howard and Betty Connell’s daughter, the late Elizabeth Merrifield, and son, James Lee Connell, to Tracy L. Cook and Jolynn M. Cook who are proposing the Lake Villa Estates Fifth Addition. The total purchase price paid by the Cooks for the 18 acres was \$126,000.00, more or less, based on total documentary stamp tax for the two deeds of $\$283.50 \div \2.25 per thousand of value = \$126,000.00. The Cooks currently hold these 18 acres (18.72 according to the Buffalo County Assessor) in two tracts. The map of the 18 acres along with the Assessor records and deeds to the Cooks are attached as **Exhibit C**.

Attached as **Exhibit D** are representative properties from Lake Villa Estates with the address and assessed values summarized below:

410 Tahoe Drive	\$279,095.00
415 Tahoe Drive	\$366,805.00
401 Tahoe Drive	\$375,715.00
311 Huron Drive	\$706,445.00
303 Tahoe Drive	\$436,615.00
203 Tahoe Drive	\$561,560.00
202 Huron Drive	\$422,270.00
53 Winnipeg Road	\$458,430.00
48 Winnipeg Road	\$388,365.00

These homes honor the Protective Covenants and development that has occurred at Lake Villa Estates.

Attached as **Exhibit E** are properties that the Cooks have developed in Buffalo County the value of which averages under \$85,000.00. It appears the Cooks live on a three-acre lot with a home valued in excess of \$250,000.00. See **Exhibit F**. Affordable housing is of value to the Kearney community but not in Lake Villa Estates where the Protective Covenants and development has determined the type of homes that are in this neighborhood.

It is respectfully requested that the City Council deny Lake Villa Estates Fifth as proposed. If the Cooks wish to honor the Protective Covenants for Lake Villa Estates, development is welcomed in the neighborhood. However, Lake Villa Estates Fifth as proposed is not reasonable nor consistent with the neighborhood. Thank you for your consideration.

Sincerely,



BARRY D. GEWEKE

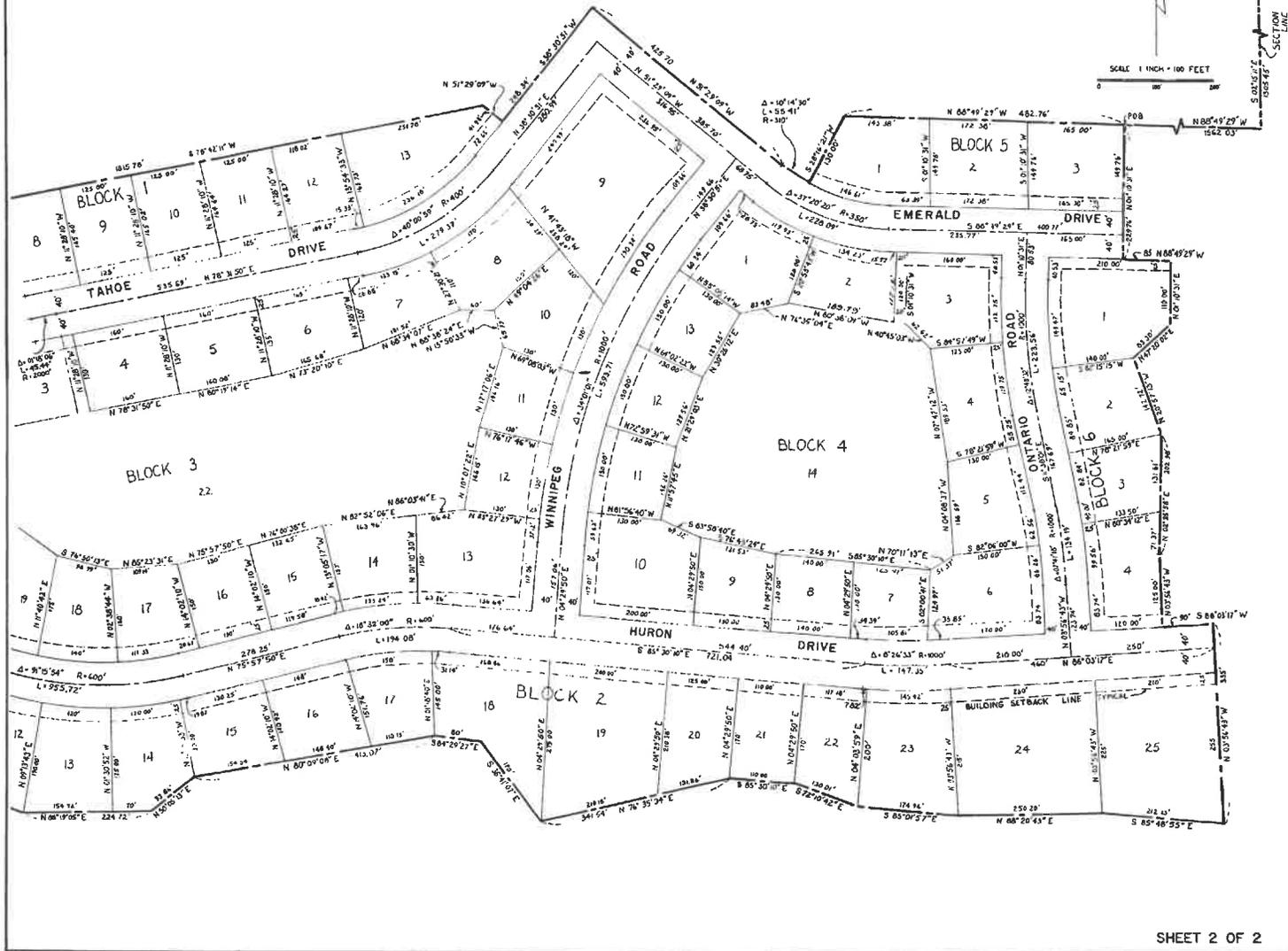
bgeweke@ordlawfirm.com

BDG:km
M:\RE21\8194.001\Correspondence

Pc: Michael J. Tye
Kearney City Attorney
1419 Central Ave.
P.O. Bo9x 636
Kearney, NE 68848-0636

Tracy L. Cook
Jolynn M. Cook
8535 69th Ave.
Kearney, NE 68845

LAKE VILLA ESTATES
AN ADDITION TO THE
CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA



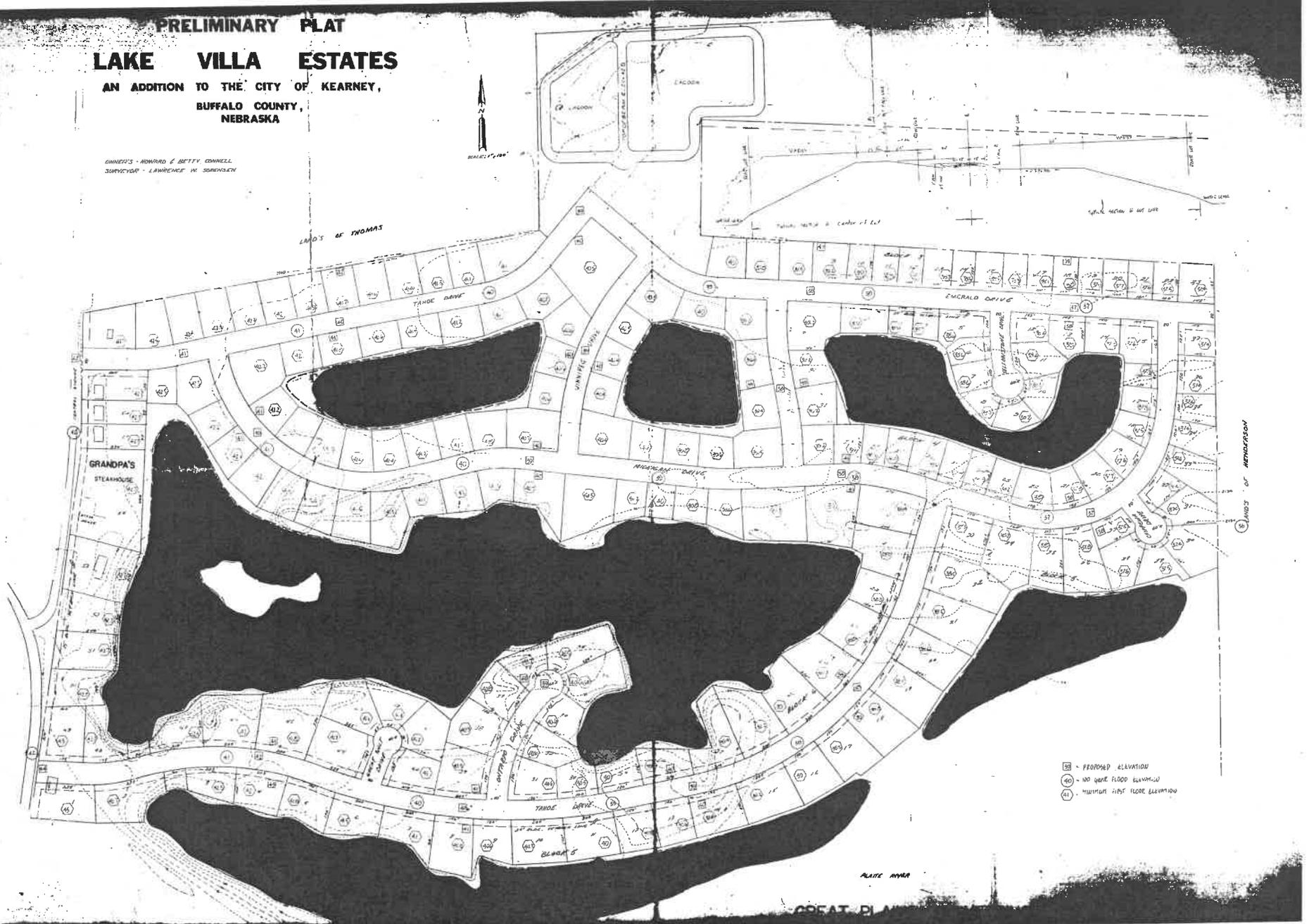
5

PRELIMINARY PLAT

LAKE VILLA ESTATES

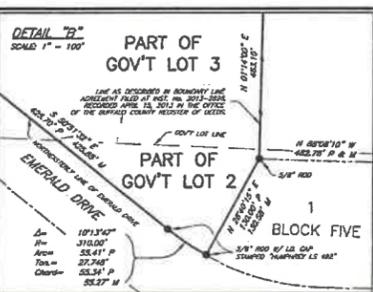
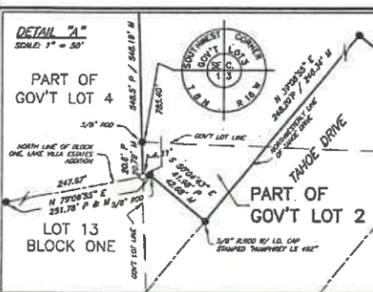
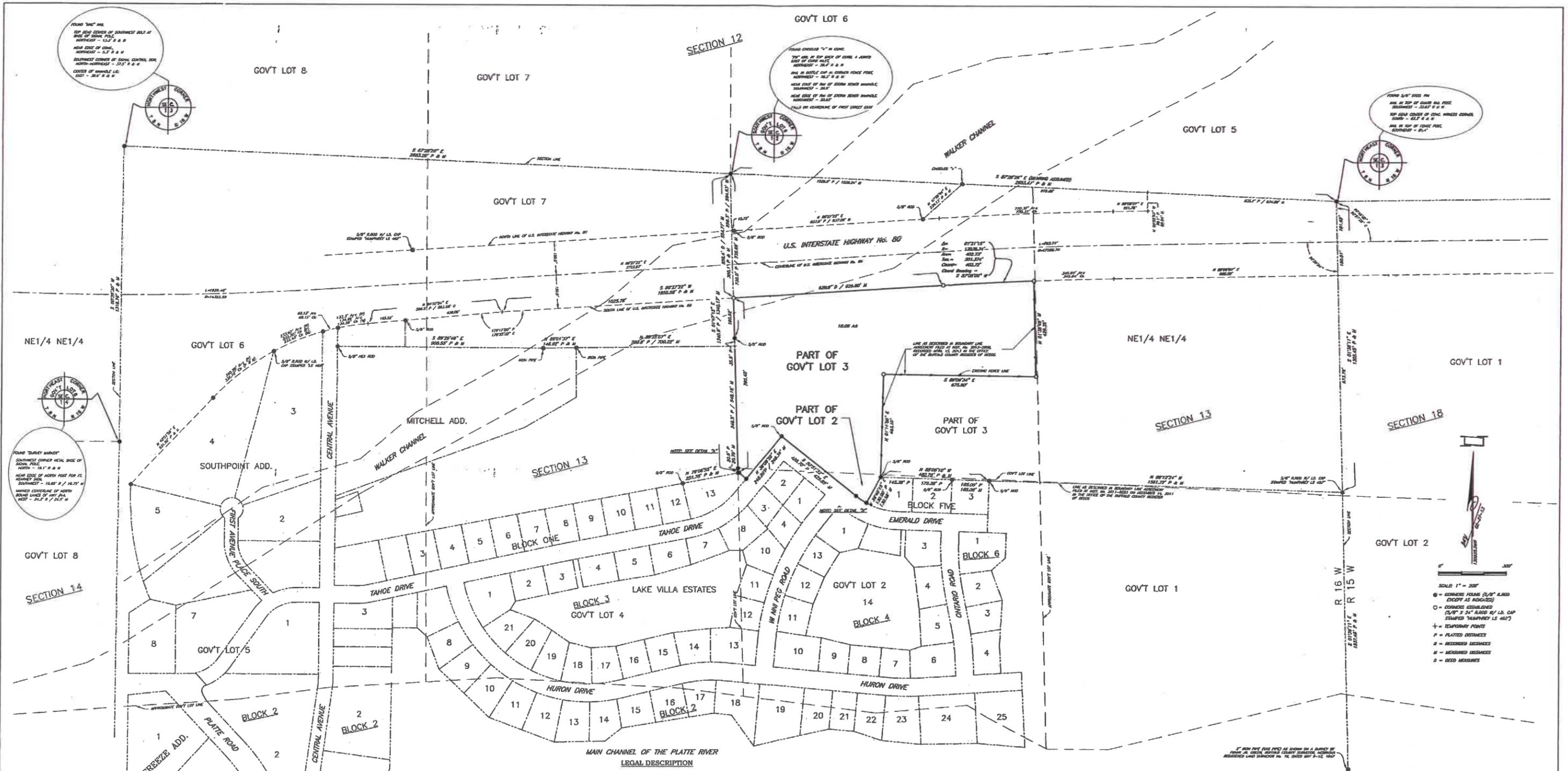
AN ADDITION TO THE CITY OF KEARNEY,
BUFFALO COUNTY,
NEBRASKA

OWNER'S - EDWARD & BETTY CONNELL
SURVEYOR - LAWRENCE W. SANDVLEBY



- - PROPOSED ELEVATION
- - NO WATER FLOOD ELEVATION
- - MINIMUM FIRST FLOOR ELEVATION

6



LEGAL DESCRIPTION

A tract of land being part of Government Lot Two (2), and part of Government Lot Three (3) located in Section Thirteen (13), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being more particularly described as follows: Referring to the Southwest Corner of Government Lot Six (6) located in Section Twelve (12), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the North line of Section 13 as bearing S 87°29'25" E and all bearings contained herein are relative thereto; thence S 01°47'12" E on the West line of Government Lot 3 located in Section 13 (if extended Northerly), a distance of 554.77 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South right-of-way line of U. S. Interstate Highway No. 80; thence leaving the South right-of-way line of U. S. Interstate Highway No. 80 and continuing S 01°47'12" E on the West line of said Government Lot 3 (if extended Northerly) and on the West line of Government Lot 2 located in Section 13 a distance of 785.40 feet to a point on the North line of Lot Thirteen (13), Block One (1), Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, as said plat of Lake Villa Estates is filed on Microfilm Roll 78, Page 9268 on December 15, 1978 in the Office of the Buffalo County Register of Deeds; thence leaving the West line of said Government Lot 2 located in Section 13, N 79°06'55" E and on the North line of said Lot 13, Block 1, Lake Villa Estates a distance of 4.11 feet to the Northeast Corner of said Lot 13, Block 1, Lake Villa Estates; thence S 50°04'43" E on the East line of said Lot 13, Block 1, Lake Villa Estates a distance of 42.68 feet to the Southeast Corner of said Lot 13, Block 1, Lake Villa Estates, said point being on the Northwestern line of Tahoe Drive, a street in the City of Kearney, Buffalo County, Nebraska; thence N 39°08'55" E on the Northwestern line of said Tahoe Drive a distance of 248.34 feet to a point on the Northeast line of Emerald Drive, a street in the City of Kearney, Buffalo County, Nebraska; thence S 50°51'32" E on the Northeast line of said Emerald Drive a distance of 425.85 feet to a point of curvature; thence continuing on the Northeast line of said Emerald Drive and on a 310.00 foot radius curve to the left forming a central angle

of 10°13'47" an arc distance of 55.41 feet to the Southwest Corner of Lot One (1), Block Five (5), of said Lake Villa Estates; thence leaving the Northeast line of said Emerald Drive and leaving said curve, non-tangent, N 28°40'15" E and on the West line of said Lot 1, Block 5, Lake Villa Estates a distance of 130.58 feet to the Northwest Corner of said Lot 1, Block 5, Lake Villa Estates, said point being, more or less, on an existing North-South fence line, and said point also being on a LINE as described in Boundary Line Agreement filed at Instrument No. 2013-2896, recorded April 15, 2013 in the Office of the Buffalo County Register of Deeds; thence N 01°14'00" E and on the LINE described in said Boundary Line Agreement filed at Instrument No. 2013-2896 a distance of 463.10 feet; thence continuing on the LINE described in said Boundary Line Agreement filed at Instrument No. 2013-2896, S 89°06'34" E a distance of 675.80 feet; thence continuing on the LINE described in said Boundary Line Agreement filed at Instrument No. 2013-2896, N 01°38'49" W a distance of 429.35 feet to a point on the South right-of-way line of U. S. Interstate Highway No. 80 and said point being on a non-tangent 17,038.74 foot radius curve, concave Southerly; thence leaving the LINE described in said Boundary Line Agreement filed at Instrument No. 2013-2896, and on the South right-of-way line of U. S. Interstate Highway No. 80 and on said non-tangent curve forming a central angle of 01°21'15" an arc distance of 402.73 feet to a point of tangency, said point bears S 87°08'00" W a chord distance of 402.72 feet from the previously described point; thence continuing on the South right-of-way line of U. S. Interstate Highway No. 80, S 86°27'22" W a distance of 929.80 feet to the place of beginning. Containing 18.08 acres, more or less.

SURVEYOR'S CERTIFICATE

Surveyed by Buffalo Surveying Corporation, March 15, 2013 as shown on the above plat, Rick S. Garvie, Nebraska Registered Land Surveyor No. 591, Party Chief, and all information shown on the above plat is true and correct to the best of my knowledge and belief.

(S E A I)



BUFFALO SURVEYING CORPORATION
 Mitchell W. Humphrey, President
 Nebr. Registered Land Surveyor No. 492

Survey Record Repository
 RECEIVED
 AUG 9 2013
 BUFFALO,
 1133-1154





Parcel Information	
Parcel ID:	608001180
Map Number	
State Geo Code	3651-13-1-01917-000-0000
Cadastral #	
Images	Photo #1
Current Owner:	COOK, TRACY L. & JOLYNN M. 8535 69TH AVENUE KEARNEY, NE 68845
Situs Address:	
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	13-8-16 TR IN GOV LOT 3 CITY OF KY (10.53A)
Lot Width:	0.00
Lot Depth:	1.00
Total Lot Size:	10.53 acres

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$70,745	\$70,745	\$0	\$0
2020	\$70,745	\$70,745	\$0	\$0

Yearly Tax Information		
Year	Amount	Levy
2020	\$1,223.62	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
02/07/2018	\$62,500.00	2018 / 789	FIVE POINTS BANK, TRUSTEE JAMES LEE CONNELL TRUST	608001200
02/07/2018	\$62,500.00	2018 / 788	MERRIFIELD, ELIZABETH A & PATRICK D.	608001200

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
0.00	1.00	10.5300 ACRE(S)	10.53 acres

Residential Datasheet			
Zoning:	Single Family		
Quality:		Building Size:	0 sq. ft
Condition:	N/A	Plumbing Fixtures:	0
Year Built:	0	Basement Size:	0 sq. ft
Exterior:	N/A	Min Finish:	0 sq. ft
Style:	N/A	Rec Finish:	0 sq. ft
Heating/Cooling:		Part Finish:	0 sq. ft





Parcel Information	
Parcel ID:	608001200
Map Number	
State Geo Code	3651-13-1-00415-000-0000
Cadastral #	
Images	Photo #1
Current Owner:	COOK, TRACY L. & JOLYNN M. 8535 69TH AVENUE KEARNEY, NE 68845
Situs Address:	
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	13-8-16 PT NE1/4 CITY OF KY (8.19 AC)
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	8.19 acres

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$55,380	\$55,380	\$0	\$0
2020	\$54,380	\$54,380	\$0	\$0

Yearly Tax Information		
Year	Amount	Levy
2020	\$940.58	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

11

Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
02/07/2018	\$62,500.00	2018 / 789	FIVE POINTS BANK, TRUSTEE JAMES LEE CONNELL TRUST	608001200
02/07/2018	\$62,500.00	2018 / 788	MERRIFIELD, ELIZABETH A & PATRICK D.	608001200

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
0.00	0.00	8.1900 ACRE(S)	8.19 acres

Residential Datasheet			
Zoning:	Single Family		
Quality:		Building Size:	0 sq. ft
Condition:	N/A	Plumbing Fixtures:	0
Year Built:	0	Basement Size:	0 sq. ft
Exterior:	N/A	Min Finish:	0 sq. ft
Style:	N/A	Rec Finish:	0 sq. ft
Heating/Cooling:		Part Finish:	0 sq. ft



12



2021-06453

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 08/27/2021 09:18:09 AM
CERTIFIED COPY
REC FEE: 4.50
PAGES: 4
PD: 4.50
ESCROW:
CK: CASH TRENTON SNOW

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Trenton Snow

RETURN TO: Trenton Snow
PO Box 1772
Kearney, NE 68848

TITLE OF DOCUMENT: Certified Copy of Survivorship Warranty Deed

CERTIFIED COPY OF INSTRUMENT: 2018-00788

STATE OF NEBRASKA

County of Buffalo SS
I, the undersigned, Register of Deeds of the above
named County and State, do hereby certify, that the
forgoing is a true and correct copy of the records of my office
as recorded in Inst. 2018-00788

Witness my hand and official seal this
27th day of August 2021
By Buffalo County Register of Deeds

Kellie John, Deputy
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



CERTIFIED

2018-00788

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 02/08/2018 1:19:43 PM
DEED WARRANTY
REC FEE: 22.00
PAGES: 3
PD: 163.75
ESCROW:
CK INFO: ACH SIMPLIFILE

REC'D: SIMPLIFILE
SUB: NE TITLE DBA BARNEY

NEBRASKA DOCUMENTARY STAMP TAX
DOC TAX: 141.75
EXEMPTION:
RECORDED ON: 02/08/2018
AUTHORIZED BY: ARV

SURVIVORSHIP WARRANTY DEED

Elizabeth A. Merrifield and Patrick D. Merrifield, a married couple, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from Tracy L. Cook and Jolynn M. Cook, GRANTEES, hereby conveys to GRANTEES, as joint tenants with right of survivorship and not as tenants in common, all their interest in the following described real estate (as defined in Neb. Rev. Stat. 76-201)

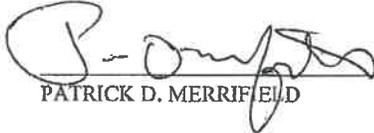
See Attached Exhibit "A"

GRANTOR covenant with GRANTEES that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except encumbrances, liens, easements and restrictions of record;
- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.

Dated February 6, 2018


ELIZABETH A. MERRIFIELD


PATRICK D. MERRIFIELD

Please Return recorded document to:
Barney Abstract & Title Co., A Nebraska Title Company Agency
2222 2nd Avenue, #100
Kearney, NE 68847



NTK1346

CERTIFIED

STATE OF Nebraska

COUNTY OF Buffalo

The foregoing instrument was acknowledged before me this 6 day of February, 2018
by Elizabeth A. Merrifield and Patrick D. Merrifield, a married couple.



Laura L. Rosse
Notary Public

NTK0001346



CERTIFIED

File No.: NTK0001346

EXHIBIT "A"

A tract of land being part of Government Lot Two (2), and part of Government Lot Three (3) located in Section Thirteen (13), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being more particularly described as follows: Referring to the Southwest corner of Government Lot Six (6) located in Section Twelve (12), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the North line of Section Thirteen (13) as bearing South 87° 28' 26" East and all bearings contained herein are relative thereto; thence South 01° 47' 12" East on the West line of Government Lot Three (3) located in Section Thirteen (13) (if extended Northerly), a distance of 554.77 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South right-of-way line of U. S. Interstate Highway No. 80; thence leaving the South right-of-way line of U. S. Interstate Highway No. 80 and continuing South 01° 47' 12" East on the West line of said Government Lot Three (3) (if extended Northerly) and on the West line of Government Lot Two (2) located in Section Thirteen (13) a distance of 785.40 feet to a point on the North line of Lot Thirteen (13), Block One (1), Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, as said plat of Lake Villa Estates is filed on Microfilm Roll 78, Page 9268 on December 15, 1978 in the Office of the Buffalo County Register of Deeds; thence leaving the West line of said Government Lot Two (2) located in Section Thirteen (13), North 79° 06' 55" East and on the North line of said Lot Thirteen (13), Block One (1), Lake Villa Estates a distance of 4.11 feet to the Northeast corner of said Lot Thirteen (13), Block One (1), Lake Villa Estates; thence South 50° 04' 43" East on the East line of said Lot Thirteen (13), Block One (1), Lake Villa Estates a distance of 42.68 feet to the Southeast corner of said Lot Thirteen (13), Block One (1), Lake Villa Estates, said point being on the Northwesterly line of Tahoe Drive, a street in the City of Kearney, Buffalo County, Nebraska; thence North 39° 08' 55" East on the Northwesterly line of said Tahoe Drive a distance of 248.34 feet to a point on the Northeasterly line of Emerald Drive, a street in the City of Kearney, Buffalo County, Nebraska; thence South 50° 51' 32" East on the Northeasterly line of said Emerald Drive a distance of 425.85 feet to a point of curvature; thence continuing on the Northeasterly line of said Emerald Drive and on a 310.00 foot radius curve to the left forming a central angle of 10° 13' 47" an arc distance of 55.41 feet to the Southwest corner of Lot One (1), Block Five (5), of said Lake Villa Estates; thence leaving the Northeasterly line of said Emerald Drive and leaving said curve, non-tangent, North 28° 40' 15" East and on the West line of said Lot One (1), Block Five (5), Lake Villa Estates a distance of 130.58 feet to the Northwest corner of said Lot One (1), Block Five (5), Lake Villa Estates, said point being, more or less, on an existing North - South fence line, and said point also being on a LINE as described in Boundary Line Agreement filed as Inst. 2013-2896, recorded April 15, 2013 in the Office of the Buffalo County Register of Deeds; thence North 01° 14' 00" East and on the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896 a distance of 463.10 feet; thence continuing on the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896, South 89° 06' 34" East a distance of 675.80 feet; thence continuing on the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896, North 01° 38' 49" West a distance of 429.35 feet to a point on the South right-of-way line of U. S. Interstate Highway No. 80 and said point being on a non-tangent 17,038.74 foot radius curve, concave Southerly; thence leaving the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896, and on the South right-of-way line of U. S. Interstate Highway No. 80 and on said non-tangent curve forming a central angle of 01° 21' 15" an arc distance of 402.73 feet to a point of tangency, said point bears South 87° 08' 00" West a chord distance of 402.72 feet from the previously described point; thence continuing on the South right-of-way line of U. S. Interstate Highway No. 80, South 86° 27' 22" West a distance of 929.80 feet to the place of beginning.



14



2021-06454

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 08/27/2021 09:18:10 AM
CERTIFIED COPY
REC FEE: 4.50
PAGES: 4
PD: 4.50
ESCROW:
CK: CASH TRENTON SNOW

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Trenton Snow

RETURN TO: Trenton Snow
PO Box 1772
Kearney, NE 68848

TITLE OF DOCUMENT: Certified Copy of Trustee's Survivorship Deed

CERTIFIED COPY OF INSTRUMENT: 2018-00789

STATE OF NEBRASKA

County of Buffalo SS

I, the undersigned, Register of Deeds of the above named County and State, do hereby certify, that the forgoing is a true and correct copy of the records of my office as recorded in Inst. 2018-00789

Witness my hand and official seal this 27th day of August 2021

By Buffalo County Register of Deeds

Jennifer M. Schleusener, Deputy
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



CERTIFIED

2018-00789

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 02/08/2018 1:19:45 PM
DEED TRUSTEES
REC FEE: 22.00
PAGES: 3
PD: 163.75
ESCROW:
CK INFO: ACH SIMPLIFILE

REC'D: SIMPLIFILE
SUB: NE TITLE DBA BARNEY

NEBRASKA DOCUMENTARY STAMP TAX
DOC TAX: 141.75
EXEMPTION:
RECORDED ON: 02/08/2018
AUTHORIZED BY: ARV

TRUSTEE'S SURVIVORSHIP DEED

Five Points Bank, Grand Island, Nebraska, as Trustee of the James Lee Connell Trust, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from Tracy L. Cook and Jolynn M. Cook, GRANTEEES, hereby conveys to GRANTEEES, as joint tenants with right of survivorship and not as tenants in common, all it's interest in the following described real estate (as defined in Neb. Rev. Stat. 76-201)

See Attached Exhibit "A"

GRANTOR covenant with GRANTEEES that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except encumbrances, liens, easements and restrictions of record;
- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.

Dated 2/5/18

FIVE POINTS BANK, GRAND ISLAND,
NEBRASKA, AS TRUSTEE OF THE JAMES LEE
CONNELL TRUST



BY MICHAEL P. KNEALE, VICE PRESIDENT
AND TRUST OFFICER

Please Return recorded document to:
Barney Abstract & Title Co., A Nebraska Title Company Agency
2222 2nd Avenue, #100
Kearney, NE 68847



NTK 1346

CERTIFIED

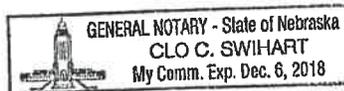
STATE OF Nebraska

COUNTY OF Hall

The foregoing instrument was acknowledged before me this 5th day of February, 2018 by Michael P. Kneale, Vice President and Trust Officer of Five Points Bank, Grand Island, Nebraska, as Trustee of the James Lee Connell Trust.

Clo C Swihart
Notary Public

NTK0001346



CERTIFIED



File No.: NTK0001346

EXHIBIT "A"

A tract of land being part of Government Lot Two (2), and part of Government Lot Three (3) located in Section Thirteen (13), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being more particularly described as follows: Referring to the Southwest corner of Government Lot Six (6) located in Section Twelve (12), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the North line of Section Thirteen (13) as bearing South 87° 28' 26" East and all bearings contained herein are relative thereto; thence South 01° 47' 12" East on the West line of Government Lot Three (3) located in Section Thirteen (13) (if extended Northerly), a distance of 554.77 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South right-of-way line of U. S. Interstate Highway No. 80; thence leaving the South right-of-way line of U. S. Interstate Highway No. 80 and continuing South 01° 47' 12" East on the West line of said Government Lot Three (3) (if extended Northerly) and on the West line of Government Lot Two (2) located in Section Thirteen (13) a distance of 785.40 feet to a point on the North line of Lot Thirteen (13), Block One (1), Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, as said plat of Lake Villa Estates is filed on Microfilm Roll 78, Page 9268 on December 15, 1978 in the Office of the Buffalo County Register of Deeds; thence leaving the West line of said Government Lot Two (2) located in Section Thirteen (13), North 79° 06' 55" East and on the North line of said Lot Thirteen (13), Block One (1), Lake Villa Estates a distance of 4.11 feet to the Northeast corner of said Lot Thirteen (13), Block One (1), Lake Villa Estates; thence South 50° 04' 43" East on the East line of said Lot Thirteen (13), Block One (1), Lake Villa Estates a distance of 42.68 feet to the Southeast corner of said Lot Thirteen (13), Block One (1), Lake Villa Estates, said point being on the Northwesterly line of Tahoe Drive, a street in the City of Kearney, Buffalo County, Nebraska; thence North 39° 08' 55" East on the Northwesterly line of said Tahoe Drive a distance of 248.34 feet to a point on the Northeasterly line of Emerald Drive, a street in the City of Kearney, Buffalo County, Nebraska; thence South 50° 51' 32" East on the Northeasterly line of said Emerald Drive a distance of 425.85 feet to a point of curvature; thence continuing on the Northeasterly line of said Emerald Drive and on a 310.00 foot radius curve to the left forming a central angle of 10° 13' 47" an arc distance of 55.41 feet to the Southwest corner of Lot One (1), Block Five (5), of said Lake Villa Estates; thence leaving the Northeasterly line of said Emerald Drive and leaving said curve, non-tangent, North 28° 40' 15" East and on the West line of said Lot One (1), Block Five (5), Lake Villa Estates a distance of 130.58 feet to the Northwest corner of said Lot One (1), Block Five (5), Lake Villa Estates, said point being, more or less, on an existing North - South fence line, and said point also being on a LINE as described in Boundary Line Agreement filed as Inst. 2013-2896, recorded April 15, 2013 in the Office of the Buffalo County Register of Deeds; thence North 01° 14' 00" East and on the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896 a distance of 463.10 feet; thence continuing on the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896, South 89° 06' 34" East a distance of 675.80 feet; thence continuing on the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896, North 01° 38' 49" West a distance of 429.35 feet to a point on the South right-of-way line of U. S. Interstate Highway No. 80 and said point being on a non-tangent 17,038.74 foot radius curve, concave Southerly; thence leaving the LINE described in said Boundary Line Agreement filed as Inst. 2013-2896, and on the South right-of-way line of U. S. Interstate Highway No. 80 and on said non-tangent curve forming a central angle of 01° 21' 15" an arc distance of 402.73 feet to a point of tangency, said point bears South 87° 08' 00" West a chord distance of 402.72 feet from the previously described point; thence continuing on the South right-of-way line of U. S. Interstate Highway No. 80, South 86° 27' 22" West a distance of 929.80 feet to the place of beginning.



20

Parcel Information	
Parcel ID:	603741113
Map Number	
State Geo Code	3651-13-2-01917-001-0013
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	RENNER, ETHAN M & MARGARET R 410 TAHOE DR KEARNEY, NE 68847
Situs Address:	410 TAHOE DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 13 BLK 1
Lot Width:	1.00
Lot Depth:	31500.00
Total Lot Size:	31500.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$279,095	\$58,925	\$0	\$220,170
2020	\$281,715	\$58,925	\$0	\$222,790

Yearly Tax Information		
Year	Amount	Levy
2020	\$4,872.66	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

21



10/24/2021

Buffalo County Assessor



Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
10/16/2020	\$350,000.00	2020 / 07381	MOREAU, ROLAND J & BARBARA A FMLY OLIVER, BARBARA A	

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	31500.00	1.00 x 31,500.00 FEET	31500.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	2,164 sq. ft
Quality:	Average	Plumbing Fixtures:	11
Condition:	Average	Basement Size:	0 sq. ft
Year Built:	2005	Min Finish:	0 sq. ft
Exterior:	84% Frame, Siding, Vinyl 16% Veneer, Masonry	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1:	Attached Garage
		Garage 1 Size:	832 sq. ft

Dwelling Data		
Description	Units	Value
Raised Slab Porch with Roof	132	\$4,240
Patio	723	\$4,605
Wood Deck	48	\$1,725
Floor Allowance	2,164	\$9,910
Single 1-Story Fireplace	1	\$4,280

Photo/Sketch	

22



Parcel Information	
Parcel ID:	603741146
Map Number	
State Geo Code	3651-13-2-01917-003-0008
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	LEFFLER, BOYCE B. & MELVA L. 415 TAHOE DRIVE KEARNEY, NE 68847
Situs Address:	415 TAHOE DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 8 BLK 3
Lot Width:	1.00
Lot Depth:	27800.00
Total Lot Size:	27800.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$366,805	\$58,740	\$0	\$308,065
2020	\$366,805	\$58,740	\$0	\$308,065

Yearly Tax Information		
Year	Amount	Levy
2020	\$6,344.40	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

23

Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
01/26/2018	\$355,000.00	2018 / 521	HAUPT, JOSEPH D & JACQUELINE S	

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	27800.00	1.00 x 27,800.00 FEET	27800.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	2,633 sq. ft
Quality:	Good	Plumbing Fixtures:	11
Condition:	Average	Basement Size:	0 sq. ft
Year Built:	2000	Min Finish:	0 sq. ft
Exterior:	100% Frame, Siding	Rec Finish:	0 sq. ft
Style:	52.943% Two Story 47.057% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Heat Pump	Garage 1:	Attached Garage
		Garage 1 Size:	809 sq. ft

Dwelling Data		
Description	Units	Value
Raised Slab Porch with Roof	114	\$4,820
Single 1-Story Fireplace	1	\$6,365
Wood Deck	444	\$8,145
BRICK ON SAND BED	110	\$205
Floor Allowance	2,633	\$22,540

Photo/Sketch	



Parcel Information	
Parcel ID:	603741144
Map Number	
State Geo Code	3651-13-2-01917-003-0006
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	CARSTENS, GENE & HOFSTETTER, BRENDA L 401 TAHOE DR KEARNEY, NE 68847
Situs Address:	401 TAHOE DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 6 BLK 3
Lot Width:	1.00
Lot Depth:	21300.00
Total Lot Size:	21300.00 sq ft

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$375,715	\$58,415	\$0	\$317,300
2020	\$375,715	\$58,415	\$0	\$317,300

Yearly Tax Information		
Year	Amount	Levy
2020	\$6,498.52	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

25

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	21300.00	1.00 x 21,300.00 FEET	21300.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	2,395 sq. ft
Quality:	Good	Plumbing Fixtures:	11
Condition:	Average	Basement Size:	0 sq. ft
Year Built:	2000	Min Finish:	0 sq. ft
Exterior:	63% Frame, Siding 37% Veneer, Masonry	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1:	Attached Garage
		Garage 1 Size:	576 sq. ft

Dwelling Data			
Description	Units	Value	
Wood Deck	351	\$6,450	
Wood Deck with Roof	188	\$8,505	
Raised Slab Porch with Roof	26	\$1,370	
BRICK PATIO-EXCEL	873	\$13,095	
Hot Tub	1	\$5,000	
Single 1-Story Fireplace	1	\$6,365	
Floor Allowance	2,395	\$20,500	

Photo/Sketch

24



Parcel Information	
Parcel ID:	603741128
Map Number	
State Geo Code	3651-13-2-01916-002-0015
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	BLESSING, RON C & PAMELA J & BLESSING PREMIER PROPERTY, LLC 311 HURON DR KEARNEY, NE 68847
Situs Address:	311 HURON DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES FOURTH ADD KY LOT 1
Lot Width:	1.00
Lot Depth:	40300.00
Total Lot Size:	75788.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$706,445	\$61,140	\$0	\$645,305
2020	\$706,385	\$61,080	\$0	\$645,305

Yearly Tax Information		
Year	Amount	Levy
2020	\$12,217.94	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100



5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
<u>Lot Width (ft)</u>	<u>Lot Depth (ft)</u>	<u>Description</u>	<u>Lot Size</u>
1.00	40300.00	1.00 x 40,300.00 FEET	75788.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Basement Size:	0 sq. ft
Quality:	Very Good	Min Finish:	0 sq. ft
Condition:	Good	Rec Finish:	0 sq. ft
Year Built:	1987	Part Finish:	0 sq. ft
Exterior:	93% Frame, Plywood 7% Veneer, Stone	Garage 1:	Built-in Garage
Style:	60.357% One Story 39.643% Two Story	Garage 1 Size:	1040 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 2:	Attached Garage
		Garage 2 Size:	189 sq. ft
Building Size:	4,813 sq. ft	Garage 3:	Attached Garage
Plumbing Fixtures:	23	Garage 3 Size:	336 sq. ft

Dwelling Data		
<u>Description</u>	<u>Units</u>	<u>Value</u>
Sunroom	192	\$8,065
Single 1-Story Fireplace	1	\$7,705
Patio	160	\$1,505
Wood Balcony	80	\$3,850
Wood Balcony	377	\$18,155
Paving, Concrete 4 - 6 Inch.	80	\$230
Slab w/Roof	109	\$2,740
BRICK ON SAND BED	259	\$585
Paving, Concrete 4 - 6 Inch.	2,016	\$5,545
Floor Allowance	4,813	\$57,660
Slab w/Roof	342	\$7,795
Patio	450	\$4,240
Patio	172	\$1,620



Parcel Information	
Parcel ID:	603741142
Map Number	
State Geo Code	3651-13-2-01917-003-0004
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	VAN VLEET, MORRIS W & RUTH ANN 303 TAHOE DR KEARNEY, NE 68847
Situs Address:	303 TAHOE DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 4 BLK 3
Lot Width:	1.00
Lot Depth:	20800.00
Total Lot Size:	20800.00 sq ft

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$436,615	\$58,390	\$0	\$378,225
2020	\$441,170	\$58,390	\$0	\$382,780

Yearly Tax Information		
Year	Amount	Levy
2020	\$7,630.66	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	20800.00	1.00 x 20,800.00 FEET	20800.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	3,315 sq. ft
Quality:	Good	Plumbing Fixtures:	11
Condition:	Average	Basement Size:	0 sq. ft
Year Built:	2002	Min Finish:	0 sq. ft
Exterior:	75% Frame, Siding 25% Veneer, Masonry	Rec Finish:	0 sq. ft
Style:	48.356% One Story 51.644% Two Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Heat Pump	Garage 1:	Attached Garage
		Garage 1 Size:	984 sq. ft

Dwelling Data			
Description	Units	Value	
Raised Slab Porch with Roof	28	\$1,460	
Wood Deck with Roof	303	\$11,185	
Raised Slab Porch	45	\$1,120	
Patio	87	\$720	
Floor Allowance	3,315	\$28,375	
Single 1-Story Fireplace	1	\$6,365	

Photo/Sketch

31



Parcel Information	
Parcel ID:	603741140
Map Number	
State Geo Code	3651-13-2-01917-003-0002
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	OSENTOWSKI, RICHARD A TRUSTEE OF THE OSENTOWSKI, R. REVCO LIVING TRUST 203 TAHOE DR KEARNEY, NE 68847
Situs Address:	203 TAHOE DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 2 BLK 3
Lot Width:	1.00
Lot Depth:	19500.00
Total Lot Size:	19500.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$561,560	\$58,325	\$0	\$503,235
2020	\$567,620	\$58,325	\$0	\$509,295

Yearly Tax Information		
Year	Amount	Levy
2020	\$9,817.80	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

32

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	19500.00	1.00 x 19,500.00 FEET	19500.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	3,271 sq. ft
Quality:	Good	Plumbing Fixtures:	15
Condition:	Average	Basement Size:	1,949 sq. ft
Year Built:	2002	Min Finish:	0 sq. ft
Exterior:	100% Veneer, Masonry	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	1,462 sq. ft
Heating/Cooling:	100% Heat Pump	Garage 1:	Attached Garage
		Garage 1 Size:	1034 sq. ft

Dwelling Data		
Description	Units	Value
BSMT WALKOUT-ADL COS	30	\$1,680
GARDEN LEVEL BSM	1,949	\$8,770
Wood Deck	393	\$7,215
Patio	157	\$1,295
Raised Slab Porch with Roof	62	\$2,830
Single 1-Story Fireplace	1	\$6,365
Floor Allowance	3,271	\$28,000

Photo/Sketch



Parcel Information	
Parcel ID:	603741157
Map Number	
State Geo Code	3651-13-1-01917-003-0019
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	STRAYER, JOHN E & MARY A CO-TRUSTEES OF THE JOHN E & MARY A STRAYER TRUST 202 HURON DR KEARNEY, NE 68847
Situs Address:	202 HURON DR KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 19 BLK 3
Lot Width:	1.00
Lot Depth:	20300.00
Total Lot Size:	20300.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$422,270	\$58,365	\$0	\$363,905
2020	\$426,810	\$58,365	\$0	\$368,445

Yearly Tax Information		
Year	Amount	Levy
2020	\$7,382.30	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	20300.00	1.00 x 20,300.00 FEET	20300.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	2,924 sq. ft
Quality:	Good	Plumbing Fixtures:	15
Condition:	Average	Basement Size:	0 sq. ft
Year Built:	1994	Min Finish:	0 sq. ft
Exterior:	100% Veneer, Masonry	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1:	Attached Garage
		Garage 1 Size:	720 sq. ft

Dwelling Data			
Description	Units	Value	
Slab w/Roof	40	\$1,010	
Patio	444	\$3,665	
Patio	180	\$1,485	
Hobby Shop	729	\$15,840	
Single 1-Story Fireplace	1	\$6,365	
Floor Allowance	2,924	\$25,030	
Yard Shed, Wood	150	\$1,190	

Photo/Sketch

35



Parcel Information	
Parcel ID:	603741173
Map Number	
State Geo Code	3651-13-1-01917-004-0013
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	HOSSAIN, M D LIAQUAT 53 WINNIPEG RD KEARNEY, NE 68847
Situs Address:	53 WINNIPEG RD KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 13 BLK 4
Lot Width:	1.00
Lot Depth:	17600.00
Total Lot Size:	17600.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$458,430	\$58,050	\$0	\$400,380
2020	\$462,930	\$58,050	\$0	\$404,880

Yearly Tax Information		
Year	Amount	Levy
2020	\$8,007.04	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

34



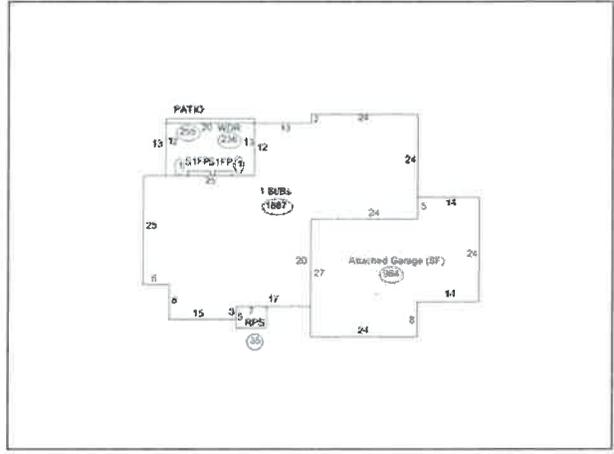
Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
09/06/2019	\$515,000.00	2019 / 4840	JAMESON, BRANDON J.	
05/30/2018	\$0.00	2018 / 6578	JAMESON, BRANDON J. & SHERILYNE	

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	17600.00	1.00 x 17,600.00 FEET	17600.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	1,887 sq. ft
Quality:	Good	Plumbing Fixtures:	16
Condition:	Average	Basement Size:	1,887 sq. ft
Year Built:	2014	Min Finish:	80 sq. ft
Exterior:	60% Frame, Siding 40% Veneer, Masonry	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	1,807 sq. ft
Heating/Cooling:	100% Heat Pump	Garage 1:	Attached Garage
		Garage 1 Size:	984 sq. ft

Dwelling Data		
Description	Units	Value
Raised Slab Porch with Roof	35	\$1,765
Patio	255	\$2,105
Wood Deck with Roof	236	\$9,845
Single 1-Story Fireplace	1	\$6,365
Single 1-Story Fireplace	1	\$6,365
BSMT WALKOUT-ADL COS	20	\$1,120
GARDEN LEVEL BSM	888	\$3,995
Floor Allowance	1,887	\$16,155

Photo/Sketch





Parcel Information	
Parcel ID:	603741148
Map Number	
State Geo Code	3651-13-1-01917-003-0010
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	FRASIER, KENNETH C 48 WINNEPEG RD KEARNEY, NE 68847
Situs Address:	48 WINNIPEG RD KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	LAKE VILLA ESTATES LT 10 BLK 3
Lot Width:	1.00
Lot Depth:	23300.00
Total Lot Size:	23300.00 sq ft

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$388,365	\$58,515	\$0	\$329,850
2020	\$388,365	\$58,515	\$0	\$329,850

Yearly Tax Information		
Year	Amount	Levy
2020	\$6,717.32	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

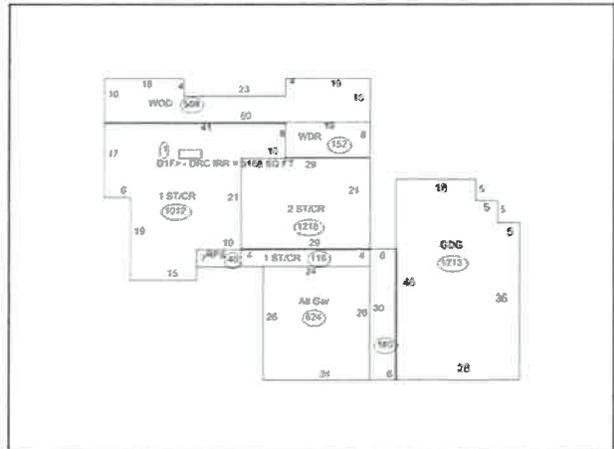
No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	23300.00	1.00 x 23,300.00 FEET	23300.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Plumbing Fixtures:	12
Quality:	Good	Basement Size:	0 sq. ft
Condition:	Average	Min Finish:	0 sq. ft
Year Built:	1997	Rec Finish:	0 sq. ft
Exterior:	90% Frame, Siding, Vinyl 10% Veneer, Masonry	Part Finish:	0 sq. ft
Style:	48.082% One Story 51.918% Two Story	Garage 1:	Detached Garage (SF)
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1 Size:	1213 sq. ft
Building Size:	2,346 sq. ft	Garage 2:	Attached Garage (SF)
		Garage 2 Size:	624 sq. ft

Dwelling Data			
Description	Units	Value	
Raised Slab Porch with Roof	40	\$1,965	
Wood Deck	508	\$9,305	
Wood Deck with Roof	152	\$7,255	
Slab w/Roof	180	\$3,935	
Double 1-Story Fireplace	1	\$8,880	
Floor Allowance	2,346	\$20,080	

Photo/Sketch



40

10/24/2021

Buffalo County Assessor





Parcel Information	
Parcel ID:	520226000
Map Number	
State Geo Code	3549-34-3-00415-000-0000
Cadastral #	
Images	Photo #1 Photo #2 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M & FITZGERALD, TODD & CHRISTY 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	15510 HWY 30 KEARNEY
Tax District:	690
School District:	ELM CREEK 9, 10-0009
Account Type:	Residential
Legal Description:	34-9-17 TR IN SW1/4 (.26 AC)
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	0.26 acres

*** Disclaimer: This legal description should not be used to prepare legal documents.**

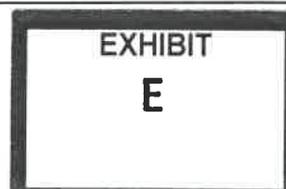
Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$46,825	\$4,160	\$0	\$42,665
2020	\$46,565	\$3,900	\$0	\$42,665

Yearly Tax Information		
Year	Amount	Levy
2020	\$714.84	1.637373

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
ELM CREEK 9	0.99177400
EC SD 9 BD K-12 2008	0.14335600
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY FD 1	0.03427900
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History
No previous sales information is available (for the past 5 years).

42



10/24/2021

Buffalo County Assessor



Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
0.00	0.00	0.2600 ACRE(S)	0.26 acres

Residential Datasheet			
Zoning:	Single Family		
Quality:	Fair	Building Size:	968 sq. ft
Condition:	Badly Worn	Plumbing Fixtures:	7
Year Built:	1960	Basement Size:	0 sq. ft
Exterior:	100% Frame, Siding, Vinyl	Min Finish:	0 sq. ft
Style:	100% One Story	Rec Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Part Finish:	0 sq. ft

Dwelling Data		
Description	Units	Value
Wood Deck	15	\$660
Patio	195	\$1,090
Floor Allowance	968	\$3,100

Photo/Sketch	

43



Parcel Information	
Parcel ID:	608001075
Map Number	
State Geo Code	3651-12-1-00411-000-0000
Cadastral #	
Images	Photo #1 Photo #2 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845
Situs Address:	275 AVE M KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	12-8-16 TR IN LOT 6 CITY OF KY
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	1.00 acres

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$54,175	\$30,000	\$0	\$24,175
2020	\$54,175	\$30,000	\$0	\$24,175

Yearly Tax Information		
Year	Amount	Levy
2020	\$937.04	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
0.00	0.00	1.0000 ACRE(S)	1.00 acres

Residential Datasheet			
Zoning:	Single Family	Plumbing Fixtures:	9
Quality:	Good	Basement Size:	0 sq. ft
Condition:	Badly Worn	Min Finish:	0 sq. ft
Year Built:	1975	Rec Finish:	0 sq. ft
Exterior:	100% Wood Lap	Part Finish:	0 sq. ft
Style:	72.441% Doublewide 27.559% Tagalong Doublewide	Garage 1:	Detached Garage (SF)
Heating/Cooling:	100% Forced Air Furnace	Garage 1 Size:	336 sq. ft
Building Size:	1,270 sq. ft	Garage 2:	Detached Garage (SF)
		Garage 2 Size:	512 sq. ft

Dwelling Data		
Description	Units	Value
Floor Allowance	1,270	\$5,360

Photo/Sketch



Parcel Information	
Parcel ID:	602580404
Map Number	
State Geo Code	3651-01-4-01016-000-0004
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYN M & FITZGERALD, TODD & CHRISTY K 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	1215 AVE G KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	HEINZMAN ADDITION LT 4
Lot Width:	65.00
Lot Depth:	147.00
Total Lot Size:	9555.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$111,490	\$28,240	\$0	\$83,250
2020	\$128,305	\$30,515	\$0	\$97,790

Yearly Tax Information		
Year	Amount	Levy
2020	\$2,219.22	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

Alc

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
<u>Lot Width (ft)</u>	<u>Lot Depth (ft)</u>	<u>Description</u>	<u>Lot Size</u>
65.00	147.00	65.00 x 147.00 FEET	9555.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	840 sq. ft
Quality:	Low	Plumbing Fixtures:	10
Condition:	Average	Basement Size:	840 sq. ft
Year Built:	1956	Min Finish:	0 sq. ft
Exterior:	100% Frame, Siding, Vinyl	Rec Finish:	724 sq. ft
Style:	100% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1:	Detached Garage
		Garage 1 Size:	286 sq. ft

Dwelling Data		
<u>Description</u>	<u>Units</u>	<u>Value</u>
Raised Slab Porch	80	\$1,230
Patio	333	\$1,630
Floor Allowance	840	\$1,980
EGRESS	1	\$500
EGRESS	1	\$500

Photo/Sketch



Parcel Information	
Parcel ID:	602165218
Map Number	
State Geo Code	3651-01-4-01016-002-0018
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN & FITZGERALD, TODD A & CHRISTY K 8750 69TH AVE KEARNEY, NE 68845
Situs Address:	1102 AVE I KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	EVANS SUB LT 18 BLK 2
Lot Width:	1.00
Lot Depth:	11800.00
Total Lot Size:	11800.00 sq ft

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$104,380	\$29,725	\$0	\$74,655
2020	\$117,795	\$32,000	\$0	\$85,795

Yearly Tax Information		
Year	Amount	Levy
2020	\$2,037.44	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
1.00	11800.00	1.00 x 11,800.00 FEET	11800.00 sq ft

Residential Datasheet			
Zoning:	Single Family		
Quality:	Good	Building Size:	1,288 sq. ft.
Condition:	Average	Plumbing Fixtures:	10
Year Built:	1981	Basement Size:	0 sq. ft.
Exterior:	100% Vinyl Lap	Min Finish:	0 sq. ft.
Style:	100% Doublewide	Rec Finish:	0 sq. ft.
Heating/Cooling:	100% Warm & Cooled Air	Part Finish:	0 sq. ft.

Dwelling Data			
Description	Units	Value	
Patio	200	\$1,465	
Single 1-Story Fireplace	1	\$2,775	
Floor Allowance	1,288	\$5,435	

Photo/Sketch



Parcel Information	
Parcel ID:	602065000
Map Number	
State Geo Code	3651-01-4-01016-000-0000
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	906 E 13TH ST KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	COOKS SUB E 54' LT 4 & N 7' 13TH ST & W 19.5' OF LT 5
Lot Width:	73.50
Lot Depth:	157.00
Total Lot Size:	11540.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$145,370	\$29,595	\$0	\$115,775
2020	\$171,615	\$31,870	\$0	\$139,745

Yearly Tax Information		
Year	Amount	Levy
2020	\$2,968.32	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

50

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
73.50	157.00	73.50 x 157.00 FEET	11540.00 sq ft

Residential Datasheet			
Zoning:	Single Family		
Quality:	Fair	Building Size:	1,196 sq. ft
Condition:	Average	Plumbing Fixtures:	10
Year Built:	1920	Basement Size:	1,178 sq. ft
Exterior:	100% Frame, Siding, Vinyl	Min Finish:	0 sq. ft
Style:	100% One Story	Rec Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Part Finish:	1,119 sq. ft

Dwelling Data		
Description	Units	Value
Wood Deck with Roof	63	\$2,790
Wood Deck	280	\$3,790
Patio	560	\$3,130
EGRESS	1	\$750
Patio	169	\$945
Floor Allowance	1,196	\$3,825

Photo/Sketch

10/24/2021

Buffalo County Assessor



52



Parcel Information	
Parcel ID:	601856000
Map Number	
State Geo Code	3651-01-4-01012-000-0012
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	1725 AVE I KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	COLLEGE PLACE KY LT 12 & S7' OF 18TH & E7' OF AVE I
Lot Width:	57.00
Lot Depth:	137.00
Total Lot Size:	7809.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$93,900	\$26,930	\$0	\$66,970
2020	\$99,480	\$29,205	\$0	\$70,275

Yearly Tax Information		
Year	Amount	Levy
2020	\$1,720.66	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

53

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
57.00	137.00	57.00 x 137.00 FEET	7809.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	1,053 sq. ft
Quality:	Fair	Plumbing Fixtures:	6
Condition:	Badly Worn	Basement Size:	0 sq. ft
Year Built:	1900	Min Finish:	0 sq. ft
Exterior:	100% Frame, Siding	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1:	Detached Garage (SF)
		Garage 1 Size:	816 sq. ft

Dwelling Data		
Description	Units	Value
Enclosed Porch, Solid Walls	216	\$8,470
Patio	531	\$2,970
Floor Allowance	1,053	\$3,370

Photo/Sketch

10/24/2020 9:05:27 AM



Parcel Information	
Parcel ID:	600818000
Map Number	
State Geo Code	3651-01-3-01020-000-1100
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845
Situs Address:	1713 AVE C KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	O T KY LTS 1100 & 1101
Lot Width:	50.00
Lot Depth:	130.00
Total Lot Size:	6500.00 sq ft

*** Disclaimer: This legal description should not be used to prepare legal documents.**

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$53,815	\$25,950	\$0	\$27,865
2020	\$54,635	\$28,225	\$0	\$26,410

Yearly Tax Information		
Year	Amount	Levy
2020	\$945.00	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
50.00	130.00	50.00 x 130.00 FEET	6500.00 sq ft

Residential Datasheet			
Zoning:	Single Family		
Quality:	Fair	Building Size:	1,400 sq. ft
Condition:	Badly Worn	Plumbing Fixtures:	6
Year Built:	1905	Basement Size:	1,400 sq. ft
Exterior:	100% Frame, Siding, Metal	Min Finish:	0 sq. ft
Style:	100% One Story	Rec Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Part Finish:	0 sq. ft

Dwelling Data			
Description	Units	Value	
EGRESS	1	\$750	
EGRESS	1	\$750	
EGRESS	1	\$750	
Floor Allowance	1,400	\$4,480	

Photo/Sketch

54



Parcel Information	
Parcel ID:	600350000
Map Number	
State Geo Code	3651-01-1-01003-000-0209
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	2214 AVE G KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	O T KY LT 209
Lot Width:	50.00
Lot Depth:	130.00
Total Lot Size:	6500.00 sq ft

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$106,540	\$25,950	\$0	\$80,590
2020	\$104,615	\$28,225	\$0	\$76,390

Yearly Tax Information		
Year	Amount	Levy
2020	\$1,809.46	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
50.00	130.00	6,500 SQ FT	6500.00 sq ft

Residential Datasheet			
Zoning:	Single Family		
Quality:	Average	Building Size:	858 sq. ft
Condition:	Average	Plumbing Fixtures:	7
Year Built:	1910	Basement Size:	858 sq. ft
Exterior:	100% Frame, Siding, Vinyl	Min Finish:	0 sq. ft
Style:	100% One Story	Rec Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Part Finish:	0 sq. ft

Dwelling Data			
Description	Units	Value	
Open Slab Porch	81	\$645	
EGRESS	1	\$900	
Wood Deck	30	\$1,325	
Paving, Concrete 4 - 6 Inch.	600	\$1,590	
EGRESS	1	\$900	
EGRESS	1	\$900	
Enclosed Porch, Solid Walls	84	\$4,905	
Floor Allowance	858	\$3,930	

Photo/Sketch



Parcel Information	
Parcel ID:	600305000
Map Number	
State Geo Code	3651-01-2-01004-000-0000
Cadastral #	
Images	Photo #1 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	2205 AVE B KEARNEY
Tax District:	1000
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	O T KY N 45' LT 152
Lot Width:	45.00
Lot Depth:	130.00
Total Lot Size:	5850.00 sq ft

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$97,575	\$23,025	\$0	\$74,550
2020	\$96,600	\$24,880	\$0	\$71,720

Yearly Tax Information		
Year	Amount	Levy
2020	\$1,670.84	1.831852

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY CITY	0.14154500
KEARNEY CITY BOND	0.01234200
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History

No previous sales information is available (for the past 5 years).

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
45.00	130.00	45.00 x 130.00 FEET	5850.00 sq ft

Residential Datasheet			
Zoning:	Single Family	Building Size:	952 sq. ft
Quality:	Fair	Plumbing Fixtures:	7
Condition:	Good	Basement Size:	0 sq. ft
Year Built:	1920	Min Finish:	0 sq. ft
Exterior:	100% Frame, Siding, Vinyl	Rec Finish:	0 sq. ft
Style:	100% One Story	Part Finish:	0 sq. ft
Heating/Cooling:	100% Warmed & Cooled Air	Garage 1:	Detached Garage (SF)
		Garage 1 Size:	400 sq. ft

Dwelling Data		
Description	Units	Value
Raised Slab Porch with Roof	70	\$2,300
Patio	40	\$225
Floor Allowance	952	\$3,045

Photo/Sketch

lap



Parcel Information	
Parcel ID:	520226010
Map Number	
State Geo Code	3549-34-3-00415-000-0000
Cadastral #	
Images	Photo #1 Photo #2 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M & FITZGERALD, TODD & CHRISTY 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	15512 HWY 30 KEARNEY
Tax District:	690
School District:	ELM CREEK 9, 10-0009
Account Type:	Residential
Legal Description:	34-9-17 TR IN SW1/4 (.18 AC)
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	0.18 acres

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$35,320	\$2,880	\$0	\$32,440
2020	\$36,185	\$2,700	\$0	\$33,485

Yearly Tax Information		
Year	Amount	Levy
2020	\$555.50	1.637373

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
ELM CREEK 9	0.99177400
EC SD 9 BD K-12 2008	0.14335600
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY FD 1	0.03427900
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History
No previous sales information is available (for the past 5 years).

lol

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
0.00	0.00	0.1800 ACRE(S)	0.18 acres

Residential Datasheet			
Zoning:	Single Family		
Quality:	Fair	Building Size:	1,008 sq. ft
Condition:	Badly Worn	Plumbing Fixtures:	7
Year Built:	1920	Basement Size:	0 sq. ft
Exterior:	100% Frame, Siding, Wood	Min Finish:	0 sq. ft
Style:	100% One Story	Rec Finish:	0 sq. ft
Heating/Cooling:	100% Forced Air Furnace	Part Finish:	0 sq. ft

Dwelling Data		
Description	Units	Value
Raised Slab Porch with Roof	104	\$3,105
Enclosed Porch, Solid Walls	91	\$4,595
Floor Allowance	1,008	\$3,225

Photo/Sketch	

62



Parcel Information	
Parcel ID:	560037002
Map Number	
State Geo Code	3547-07-4-05920-000-0001
Cadastral #	
Images	Photo #1 Photo #2 Sketch #1
Current Owner:	COOK, TRACY L & JOLYNN M 8535 69TH AVE KEARNEY, NE 68845-7502
Situs Address:	8535 69TH AVE KEARNEY
Tax District:	900
School District:	KEARNEY 7, 10-0007
Account Type:	Residential
Legal Description:	HANNAH ESTATES SUB LOT 1 (7-9-16)
Lot Width:	307.00
Lot Depth:	427.00
Total Lot Size:	3.01 acres

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2021	\$251,570	\$50,020	\$0	\$201,550
2020	\$204,760	\$49,020	\$0	\$155,740

Yearly Tax Information		
Year	Amount	Levy
2020	\$3,296.70	1.712244

2020 Tax Levy	
Description	Rate
COUNTY-BOND	0.02398700
KEARNEY 7	1.02799200
KEARNEY SD 7 BOND (2013)	0.11079200
ED SERVICE UNIT 10	0.01500000
COUNTY GENERAL	0.29676500
KEARNEY SD 7 BOND (2009)	0.07121700
CENTRAL COMM COLL	0.09200000
CENTRAL PLATTE NRD	0.02298200
KEARNEY FD 1	0.03427900
COUNTY VETERANS	0.00007900
AG SOCIETY	0.01715100

5 Year Sales History	
No previous sales information is available (for the past 5 years).	



63

Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
307.00	427.00	3.0100 ACRE(S)	3.01 acres

Residential Datasheet			
Zoning:	Single Family	Min Finish:	0 sq. ft
Quality:	Fair	Rec Finish:	0 sq. ft
Condition:	Average	Part Finish:	0 sq. ft
Year Built:	1950	Garage 1:	Attached Garage
Exterior:	100% Frame, Siding, Vinyl	Garage 1 Size:	336 sq. ft
Style:	100% One Story	Garage 2:	Attached Garage
Heating/Cooling:	100% Warmed & Cooled Air	Garage 2 Size:	336 sq. ft
		Garage 3:	Attached Garage
Building Size:	1,924 sq. ft	Garage 3 Size:	576 sq. ft
Plumbing Fixtures:	11	Garage 4:	Detached Garage
Basement Size:	1,924 sq. ft	Garage 4 Size:	864 sq. ft

Dwelling Data		
Description	Units	Value
EGRESS	1	\$750
Patio	260	\$1,455
EGRESS	1	\$750
Floor Allowance	1,924	\$6,155

Photo/Sketch

LA

10/26/2021

Exhibit "B"

RECEIVED
10/26/2021
-LB

Dear Council Members,

We as residents of our community
strongly oppose the idea of
down sizing lots in our neighbourhood
for creating/developing a number of
houses fitting into the current
large lot sizes in our area.


Sherrin + Liegnat
308-240-0205
53 Winnipeg Road

1 of 6

9276

DECLARATION OF PROTECTIVE COVENANTS
AND CONDITIONS FOR LAKE VILLA ESTATES,
AN ADDITION TO THE CITY OF KEARNEY,
BUFFALO COUNTY, NEBRASKA

RECEIVED
10/26/2021
LB

PART A. PREAMBLE

Come now the undersigned, Howard A. Connell and Betty J. Connell, husband and wife, being the owners of all of the tract of land known as Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, said addition being located in, and a part of, Government Lots 2, 3, 4 and 5 all in Section 13, and accretation thereto in Township 8 North, Range 16 west of the 6th P.M., Buffalo County, Nebraska, and in order to enhance the value of the lots therein for building purposes and land use, and for other good and valuable consideration including mutual promises, hereby create the following protective covenants and conditions and do hereby covenant and agree with all of the subsequent grantees of each of said lots to the following protective covenants, conditions and reservations to be binding upon the said grantees and their successors and interests. That the undersigned stipulate and agree that any and all lots in said addition shall be and are subject to the following protective covenants, conditions and reservations, all of which shall run with the land:

PART B. AREA OF APPLICATION

That the entire area of Lake Villa Estates Addition, except lots 1 & 2, Block 2 on which lots the enterprise known as "Grandpa's Steakhouse" is located, shall be a fully protected residential area and these covenants shall apply to the entire tract other than said lots 1 & 2, Block 2.

PART C. RESIDENTIAL AREA COVENANTS

C-1 LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two stories in height above the ground level of the front of said dwelling.

The foregoing restriction shall not be construed to prevent the construction on any of said lots of a private garage, pergola, pavilion, boat house, bath house, or like structure; provided that any private garage, pergola, pavilion, boat house, bath house, or like structure shall be designed and used exclusively for the convenience of the occupants of a residence constructed upon such lot and has been approved, as hereinafter specified, by the ARCHITECTURAL CONTROL COMMITTEE.

C-2 DWELLING. Each dwelling erected on any lot will meet the following minimum square feet requirements:

- (a). On Lots 7 through 25, inclusive, in Block 2; Lot 1 and Lots 13 through 21 inclusive in Block 3; Lots 6 through 10 inclusive in Block 4 and Lot 4 in Block 6, no dwelling unit shall be erected on any of said lots which shall have a ground floor space of less than 2,000 square feet in the case of a one-story structure, nor less than 1,500 square feet of ground floor space in the case of a one and one-half or two, story structure. Such ground floor area of the main structure shall be exclusive of open porches, patios, garages or decks.
- (b). With reference to all other lots in said addition, no residential dwelling shall be erected on any such lot

9277

which shall have a ground floor space of less than 1,600 square feet in the case of a one-story structure, nor less than 1,250 square feet of ground floor space in the case of a one and one-half, or two story structure. Such ground floor area of the main structure shall be exclusive of open porches, patios, garages or decks.

C-3 BUILDING LOCATION. No building shall be located on any lot nearer than 25 feet to the front lot line nor shall any building be located on a lot nearer than 25 feet to the side street lot line or 20 feet to an interior lot line. No building, or any part thereof, shall be constructed, placed or located on any lot so that any part of any such building is located more than 90 feet from the front lot line or nearest side street line. For the purposes of this covenant, steps, open porches, garages and decks shall be considered as part of the building.

C-4 LOT AREA. No lot or lots shall be divided, split, or subdivided to create smaller lots or building areas.

C-5 TEMPORARY STRUCTURES. No structure of a temporary character, including but not limited to trailers, tents, campers, mobile homes, basements, shacks, garages, barns, or other buildings shall be erected upon or used on any lot at any time as a residence or dwelling. No dwelling, trailer or building of any type constructed in another location shall be moved to, or placed upon, any lot within this addition.

C-6 No dwelling shall be erected for occupancy for more than one family, nor shall any dwelling be used as occupancy for more than one family. No commercial or business enterprises shall be maintained, conducted or operated in the residential area.

C-7 No apartment house, duplex or triplex shall be built on any lot, nor shall any basement house be built on any lot. No structure shall be erected, altered, placed or permitted to remain on any lot other than one dwelling and an attached garage for no more than three cars and any structure incidental to the residential use of the lot as approved by the ARCHITECTURAL CONTROL COMMITTEE.

C-8 GARAGES. All garages must be attached directly to the dwelling or connected thereto by breezeway or similar structure, and any garage and secondary building shall be constructed of the same material and of the same quality of construction as the outside finish and roof of the main-dwelling structure.

C-9 SIDEWALKS. Public concrete sidewalks four feet wide and four inches thick may be installed in front of each improved lot and on sidestreets of the improved corner lot. Sidewalks shall be located as required by the City of Kearney, Nebraska, and shall be paid for by the owner of said lot.

C-10 FENCES. No fence, side, rear or front shall be constructed by barbed wire, of woven wire or chain linked material, or any unsightly material and any fence of any nature shall receive the approval of the ARCHITECTURAL CONTROL COMMITTEE before the same is constructed.

C-11 Certain easements have been granted for the installation and maintenance of utilities. All electrical wires from the line source of Nebraska Public Power District, its successors and assigns, located along boundary lines of said addition shall be carried underground from said source lines to the various lots in the subdivision. All telephone lines shall be carried underground to the various lots in said subdivision.

9278

C-12 NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, an annoyance or nuisance to the neighborhood. No barns, chicken houses, hog houses, commercial occupations or sale, or other buildings for the care and housing of rabbits, fowl or live-stock shall be placed, maintained, or used on any lot, nor shall any fowl, rabbits, livestock or animals, other than household pets be kept on any lot, and household pets shall not be kept, placed or maintained on any lot for any commercial purpose. No unused building material, junk or rubbish shall be left exposed on any lot, except during actual building operations. No worn out or discarded automobiles, trucks, machinery or parts thereof shall be stored on any lot in the addition and no portion of any lot shall be used for junk piles or the storage of any kind of junk or waste material. No sign of any kind or billboard shall be displayed to the public view on any lot in the residential area, except one sign of not more than five feet square advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

C-13 LAKES. Certain lots in said addition adjoin or abut on lakes located in the addition and title to the land upon which said lakes are located shall remain in the owners who have signed and executed these covenants. Ownership of any lot or lots in said addition shall entitle the owner or owners of such lots and his, her or their guests and invitees to the use of said lakes as specified herein:

- (a). The owner of any lot in said addition agrees to use such adjoining lake or lakes in such a manner as to not interfere with the use of the same by any other owner of a lot adjoining such lake and in such manner as to create no nuisance, annoyances or unlawful disturbance. The owner of any lot shall be responsible for the conduct of his, her or their guests.
- (b). No liability of any kind shall accrue to the owners and subdividers of said addition for any accident, injury, loss or damage occurring to any person or lakes adjoining said addition or any lot located therein and the use of said lake or lakes by any lot owner, his, her or their guests, shall be at the sole risk of such lot owner, or his, her or their guests or invitees.
- (c). Any use of the lakes located within the boundaries of Block 4 of said addition shall be limited to lot owners of lots in said block or his, her or their guests all under the terms and restrictions herein contained.
- (d). Any use of the lakes located within the boundaries of Block 3 of said addition shall be limited to lot owners of lots in said block or his, her or their guests all under the terms and restrictions herein contained.
- (e). Any use of the lake abutting or adjoining any of the lots in Block 2 of said addition shall be limited to the lot owners in said Block 2 or his, her or their guests or invitees, all under the terms and restrictions herein contained.
- (f). Any use of the lake abutting or adjoining any of the lots in Block 6 of said addition shall be limited to the lot owners in said Block 6 or his, her or their guests or invitees, all under the terms and restric-

4 of 6

9279

tions herein contained.

- (g). No boats powered by internal combustion or hydro-fossil fuel of any nature shall be placed in or used on the lakes located within Block 3 or Block 4 of the addition by any owner or his, her or their guests or invitees. No boats operated by internal combustion or hydro-fossil fuels of any nature shall be placed in or used on the lake adjoining any of the lots in Block 2 or in Block 6 without special permission of the undersigned.
- (h). Canoes, sail boats, paddle boats, or small electric powered boats may be used on all lakes by owners of lots, adjoining or abutting such lakes, or the guests or invitees of such owners only so long as such use creates no nuisance, annoyance, or disturbances unreasonably to the other owners of such lots. No liability of any kind shall accrue to the owners and subdividers of this addition for any accident, injury, loss or damage occurring to any person or persons in connection with the use of such boats on lakes and such use of boats by any lot owner, his, her or their guests shall be at the sole risk of said owner, his, her or their guests or invitees.
- (i). Any expense incurred in maintenance or upkeep of the lakes described above shall be borne equally by owners of lots abutting the lakes so maintained.

C-14 DOCKS OR WALKWAYS. No docks shall be placed on any of the lots in Block 3 or Block 4 of said addition. No walkways shall be constructed for a distance of more than eight feet from the shore line and no such walkways shall be constructed without full approval of the ARCHITECTURAL CONTROL COMMITTEE and the owners who have executed these covenants, their successors or assigns.

Any docks, shore stations, or walkways constructed on lots in Block 2 of said addition shall be approved, prior to construction, by the ARCHITECTURAL CONTROL COMMITTEE and the owners and subdividers of this addition, their successors or assigns.

PART D. ARCHITECTURAL CONTROL COMMITTEE

D-1 MEMBERSHIP. The ARCHITECTURAL CONTROL COMMITTEE shall be composed of up to three members. Two initial members of such committee are Howard A. Connell and Betty J. Connell who may, at their discretion, appoint a third member of the committee at such time as they see fit. A majority of the committee may designate a representative to act for it. In the event of the death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then recorded owners of a majority of the lots shall have the power, through a duly recorded written instrument to change the membership of the committee, providing that at least one member of the original committee is serving as a member until all lots described in the addition have been sold.

D-2 No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the ARCHITECTURAL CONTROL COMMITTEE as to the quality of workmanship and materials, harmony of external design or existing structures, and as to location with respect to topography and finish trade elevation. No fence of wall

9280

shall be erected, placed or altered on any lot nearer to any street than a minimum building setback line unless similarly approved.

D-3 PROCEDURE. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fails to approve or disapprove within thirty days after plans and specifications have been submitted to it, approval will not be required and the related covenants shall be deemed to have been fully complied with.

PART E. GENERAL PROVISIONS

E-1 TERMS. These covenants are to run with the land and shall be binding on all parties and all persons coming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part. No rights reserved to the owners of the addition, at the time of the execution of these covenants, at law or by terms of these covenants can be changed without the specific consent and approval of the owners of the lots at the time these covenants are executed or by the consent and approval of their heirs, successors or assigns.

E-2 ENFORCEMENT. Enforcement shall be by proceeding of law or equity against any person or persons violating or attempting to violate any covenants and may be either to restrain violation or to recover damages. To further insure the observance of these covenants, the grantor or any owner or occupant of any of the lots shall have the right to sue to prevent the breach thereof, through an injunction, and to sue to recover damages which have been suffered by any such breach against the person or parties violating or attempting to violate any of the covenants.

E-3 CONSTRUCTION. Any construction commenced on any of the lots must be completed within eighteen months from the time such construction is started; all lots in the subdivision shall, within six months after completion of the main dwelling construction on said lots, have the front lawns of said lots sodded from the front or side streets to the dwelling structure, or shall have installed an underground waterint system for watering the said front and side lawns or shall, in the further alternative, have surfaced the front and side areas of said lot in a manner approved by the ARCHITECTURAL CONTROL COMMITTEE.

E-4 OPTION. Should the purchaser of any of said lots, or his successors, fail to use said property for building purposes within four years after the date of said purchase, or at any time allow the taxes, paving, utilities, or other assessments against the lots to remain unpaid on the unimproved lot, any of the undersigned, their heirs, successors or assigns, shall have the option to repurchase the said property at the amount named in the original deed, including any paving, sewer or water payments the purchaser may have made, but excluding all real estate taxes the purchaser or purchasers may have paid.

E-5 RIGHT OF FIRST REFUSAL TO PURCHASE. The undersigned shall have the right of first refusal to meet any bona fide offer of purchase on any lot in the subdivision offered for sale by any of the lot owners during the term of these covenants.

E-6 SEVERABILITY. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

E-7 BINDING. This agreement and the faithful performance of the terms hereof shall be binding upon the heirs, administrators, executors, assigns, grantees and devisees of the parties to this contract, and upon the purchaser or purchasers of any lot or lots in said Lake Villa Estates.

0413 1 of 1

Filed 1/22/79
See Index 1/22/79
See Index 1/22/79
Compared 1/22/79

State of Nebraska - County of Buffalo **SS**
Entered on Numerical Index and filed for record in
office of Register of Deeds on the 22 day of
January 1979
at 4 o'clock and 45 min. P.M on
Microfilm Roll No. 79 Page 413
Margaret E. Swanson
Register of Deeds

AMENDMENT
TO THE PROTECTIVE COVENANTS AND CONDITIONS FOR
LAKE VILLA ESTATES, AN ADDITION TO THE CITY
OF KEARNEY, BUFFALO COUNTY, NEBRASKA

COME NOW the undersigned, Howard A. Connell and Betty J. Connell, husband and wife, being the owners of all of the lots in Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, said addition being located in and part of, Government Lots 2, 3, 4 and 5, all in Section 13, and accretion thereto in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and files the following amendment to the Protective Covenants and Conditions for Lake Villa Estates:

Covenant C-3, titled, BUILDING LOCATION, is hereby and hereinafter amended as follows. The words in the second sentence, "No building, or any part thereof, shall be constructed, placed or located on any lot so that any part of any such building is located more than 90 feet from the front line or the near side street line.", are to be deleted from said paragraph in said Protective Covenants and Conditions.

This amendment to, and change in said Protective Covenants and Conditions is made by the undersigned, the owners of all the lots in said addition.

IN WITNESS WHEREOF we have hereunto set our hands this 22nd day of January, 1979.

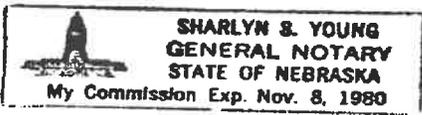
Howard A. Connell
HOWARD A. CONNELL

Betty J. Connell
BETTY J. CONNELL

STATE OF NEBRASKA)
) SS.
COUNTY OF BUFFALO)

On this 22nd day of January, 1979, before me, the undersigned, a notary public commissioned and qualified for said County, personally came Howard A. Connell and Betty J. Connell, husband and wife, to me known to be the identical persons who signed the foregoin Amendment to the Protective Covenants, Conditions and reservations and they acknowledged the execution thereof to be their voluntary act and deed for the purposes therein set forth.

Sharlyn S. Young
Notary Public



#298
Erapp Mues Sawell
450

1 of 3
0123

State of Nebraska - County of Buffalo 28
Entered on Numerical Index and filed for record in
office of Register of Deeds on the 28 day of
Jan 19 80
at 4 o'clock and 36 min P.M. of
Microfilm Roll No. 80 Page 123

Margaret Simpson
Register of Deeds by
M. K. M. Deputy

AMENDMENT
TO THE PROTECTIVE COVENANTS AND CONDITIONS FOR
LAKE VILLA ESTATES, AN ADDITION TO THE CITY
OF KEARNEY, BUFFALO COUNTY, NEBRASKA

COME NOW the undersigned, Howard A. Connell and Betty J. Connell, husband and wife, and David B. Anderson and Merilyn L. Anderson, husband and wife, being the owners of all of the lots in Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, said addition being located in and part of, Government Lots 2, 3, 4 and 5, all in Section 13, and accretion thereto in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and files the following amendment to the Protective Covenants and Conditions for Lake Villa Estates:

Covenant C-2, titled, DWELLING, is hereby and hereinafter amended to read as follows:

"C-2 DWELLING. Each dwelling erected on any lot will meet the following minimum square feet requirements:

- (a). On Lots 6 through 25, inclusive, in Block 2 no dwelling unit shall be erected on any of said lots which shall have a ground floor space of less than 2,000 square feet in the case of a one-story structure, nor less than 1,500 square feet of ground floor space in the case of a one and one half, or two, story structure such ground floor area of the main structure shall be exclusive of open porches, patios, garages or decks.
- (b). On Lot 1 and Lots 13 through 21, inclusive, in Block 3 and Lots 6 through 10, inclusive, in Block 4 and Lot 4 in Block 6, no dwelling unit shall be erected on any of said lots which shall have a ground floor space of less than 1,800 square feet in the case of a one-story structure, nor less than 1,500 square feet of ground floor space in the case of a one and one-half, or two, story structure. Such floor area of the main structure shall be exclusive of open porches, patios, garages or decks.
- (c). With reference to all other lots in said addition, no residential dwelling shall be erected on any such lot which shall have a ground floor space of less than 1,600 square feet in the case of a one-story structure, nor less than 1,250 square feet of ground floor space in the case of a one and one-half, or two, story structure. Such ground floor area of the main structure shall be exclusive of open porches, patios, garages, or decks.

Subparagraph (g) and (h) of Covenant C-13 LAKES are amended to read as follows:

- "(g). No boats powered by internal combustion or hydro-fossil fuel of any nature shall be placed in or used on the lakes located within Block 2,

Block 3, Block 4 or Block 6 of the addition by any owner or his, her or their guest or invitees, with the exception of boats owned by the original developers of the addition, Howard A. Connell and Betty J. Connell. The original developers of the addition, Howard A. Connell and Betty J. Connell, guests and invitees may use such boats on the lakes within the addition for their personal enjoyment and amusement or for the purpose of inspecting and maintaining the quality and condition of the lakes located within the subdivision. The original owners of the addition, Howard A. Connell and Betty J. Connell, may assign their right to use boats powered by internal combustion or hydro-fossil fuels to subsequent developers of said subdivision whether heirs or assigns, provided, such right is limited to said heirs or assigns. Other than as indicated herein, no boats operated by internal combustion or hydro-fossil fuels of any nature shall be placed in or used on any lake adjoining any of the lots in the addition.

(h). Canoes, sail boats, paddle boats, or small electric powered boats may be used at speeds not to exceed 5 miles per hour on all lakes by owners of lots, adjoining or abutting such lakes, or the guests or invitees of such owners only so long as such use creates no nuisance, annoyance, or disturbances unreasonably to the other owners of such lots. No liability of any kind shall accrue to the owners and subdividers of this addition for any accident, injury, loss or damage occurring to any person or persons in connection with the use of such boats on lakes and such use of boats by any lot owner, his, her or their guests shall be at the sole risk of said owner, his, her or their guests or invitees.

The above amendments to, and changes in, said Protective Covenants and Conditions are made by the undersigned, the owners of all the lots in said addition.

IN WITNESS WHEREOF we have hereunto set our hand this 7 day of January, 1980.

Howard A. Connell
HOWARD A. CONNELL

Betty J. Connell
BETTY J. CONNELL

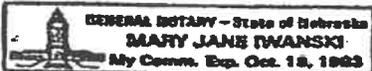
David B. Anderson
DAVID B. ANDERSON

Marilyn L. Anderson
MERILYN L. ANDERSON

STATE OF NEBRASKA)
) SS.
COUNTY OF BUFFALO)

On this 7 day of January, 1980, before me, the undersigned, a notary public commissioned and qualified for said County, personally came Howard A. Connell and Betty J. Connell, husband and wife, to me known to be the identical persons who signed the foregoing Amendments to the Protective Covenants, Conditions and reservations and they acknowledged the execution thereof to be their voluntary act and deed for the purposes therein set forth.

Mary Jane Swanski
Notary Public



3 of 3
0125

STATE OF NEBRASKA)
) SS.
COUNTY OF BUFFALO)

On this 7 day of January, 1980, before me, the under-
signed, a notary public commissioned and qualified for said County,
personally came David B. Anderson and Marilyn L. Anderson, husband
and wife, to me known to be the identical persons who signed the fore-
going Amendments to the Protective Covenants, Conditions and reserva-
tions and they acknowledged the execution thereof to be their voluntary
act and deed for the purposes therein set forth.

Richard C. Anderson
Notary Public



Wapp M. S. A.
#95 1050

Shereff to be their voluntary
[Faint, illegible text and markings at the bottom of the page]

October 25, 2021

RECEIVED
10/26/2021
LB

To Whom It May Concern:

I, Joan C. Smith, strongly and actively am opposed to the project proposed by Trenton Snow for clients Tracy and Jolynn Cook regarding land in Lake Villa Estates south of Interstate 80 Kearney, Nebraska.

I am unable to attend the Kearney City Council meeting of October 26, 2021.

I offer this letter in strong opposition to the proposed Cook project submitted to the Kearney Planning Commission. I live in close proximity to the proposed project.

Respectfully submitted,



Joan C. Smith
38 Winnipeg Road
Kearney, Nebraska 68847

