

**CITY OF SOUTH SIOUX CITY, NEBRASKA
PLANNING COMMISSION MINUTES**

September 25, 2008

A regular meeting of the Planning Commission of the City of South Sioux City, Nebraska was held at the City Hall Council Chambers on September 25, 2008.

CALL TO ORDER

Chairman Milt Peters called the meeting to order at 5:00 o'clock P.M.

ROLL CALL	Present	Absent (excused)	Absent
Milt Peters, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric Bertness	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arlan Kuehn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jane Krogh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Manley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Koskovich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doug Pfeifer, Alternate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Rapp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lyle Todd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arlyn Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Staff in attendance: Kent Zimmerman, Joe Conley, Chris Hovey

Notice of the meeting was given in advance by advertising in the Dakota County Star as certified in the attached affidavit of printer. Notice of the meeting and agenda were simultaneously given to the Chairman and members of the Commission. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

OPEN MEETINGS ACT

Chairman Peters stated that a current copy of the Open Meetings Act is posted on the north wall in the rear of the Council Chambers and is available for review by all citizens in attendance.

APPROVE MINUTES

Rapp moved and Kuehn seconded to approve the minutes of the August 28, 2008 Planning Commission meeting. Motion carried with Peters, Kuehn, Krogh, Manley, Rapp, Todd and Wilson voting aye. Koskovich abstained.

♦ *Sign minute book*

AGENDA ITEM: Public Hearing Lot Split – BPI and Dakota Cold Storage (DCS) are requesting a lot split of their property to delineate their campus design layout. See attached documents detailing the lot split request.

Wilson moved, seconded by Rapp, to approve the request. Motion carried with Peters, Kuehn, Krogh, Manley, Koskovich, Rapp, Todd and Wilson voting aye.

AGENDA ITEM: Off Street Parking

Rapp moved, seconded by Koskovich, to continue this item on the agenda until staff brings forward any changes. Motion carried with Peters, Kuehn, Krogh, Manley, Koskovich, Rapp, Todd and Wilson voting aye.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Peters adjourned the meeting at 5:15 o'clock p.m. Motion carried with Peters, Kuehn, Krogh, Manley, Koskovich, Rapp Todd, and Wilson voting aye.

CHAIRMAN

VICE CHAIRMAN

I, the undersigned Secretary of the Planning Commission of the City of South Sioux City, Nebraska hereby certify that all of the subjects were contained in said agenda for at least twenty four (24) hours prior to said meeting, and that said minutes were in written form and available to the public for inspection within ten (10) working days and prior to the next convened meeting.

PETITION FOR LOT SPLIT

We, the undersigned, being the owners of record of said real estate, hereby respectfully petition the Mayor and City Council for the lot split of:

Insert Legal Description: Tract in NW 1/4 beginning 33' N of SW Cor of said NW 1/4, th N 326.96' to S Line of IBP Road, th E'erly along S R.O.W line of said road to point on W RR R.O.W. line, th S 489', th W 1170.43' to P.O.B. Unplatted 4-28-9

Reason for Lot Split: In order to sell to Beef Products, Inc. the land that they are occupying.

We, the undersigned, being the owners of the record of said real estate, hereby acknowledge that we have read and received a copy of the lot split procedures and a copy of this application form concerning the filing and hearing of the request. That we have been advised of the fee requirements and they have been paid on _____ in the amount of \$ 100.00.

Property Owner: Dakota Cold Storage, LLC. Phone: 605-217-8000

Address: 891 Two Rivers Drive Dakota Dunes, SD 57049

Signature: [Signature] Regina Roth, Manager

Property Owner: _____ Phone: _____

Address: _____

Signature: _____

Property Owner: _____ Phone: _____

Address: _____

Signature: _____

Planning Commission

Public Hearing Date: 9/25/08 Time: 5:00

Recommendation: ☐ Approved ☐ Deny ☐ No Recommendation

Public Works Committee

Public Hearing Date: 10/6/08 Time: 5:00

Recommendation: ☐ Approved ☐ Deny ☐ No Recommendation

City Council Action

Public Hearing Date: 10/13/08 Action: ☐ Approved ☐ Deny

Resolution #: _____

5:00

(NOTE: All meetings shall be held in the Council Chambers of City Hall unless otherwise noted.)



McLaury
Engineering, Inc.

PO BOX 1130
118 W. MAIN STREET
ELK POINT, SD 57025
(605) 356-2308
PAGE 1 OF 3

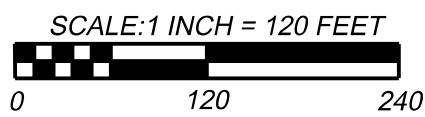
SURVEY CREW: MSB TAA 12/12/07
DRAWN BY: JUL 7/11/08
PROJECT NO. 12071107
SCALE: 1" = 120'

RECORDED INSTRUMENTS:

- | | |
|--|--|
| A. PLAT OF SURVEY
MLS & ASSOCIATES
SIGNED MARCH 20, 2006
NOT FILED | D. EASEMENT
NEBRASKA PUBLIC POWER DISTRICT
RECORDED DECEMBER 1, 1994
BOOK 63 PAGE 738 |
| B. PLAT OF SURVEY
SIOUXLAND ENGINEERING
SIGNED APRIL 18, 2001
REPOSITORY JUNE 2, 2001 | E. EASEMENT
NORTHERN NATURAL GAS
RECORDED DECEMBER 3, 2004
INST. NO. 04-003475 |
| C. EASEMENT
NORTHERN NATURAL GAS
RECORDED JULY 26, 1947
BOOK L PAGE 295 | F. PLAT OF SURVEY
OLSSONS & ASSOC.
BPI LOT SPLIT
SIGNED AUGUST 8, 2003 |

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BASED UPON NORTH AMERICAN DATUM OF 1983(NAD83). THE COORDINATES FOR THIS SURVEY ARE NEBRASKA STATE PLANE, PER A GPS OPUS SOLUTION.

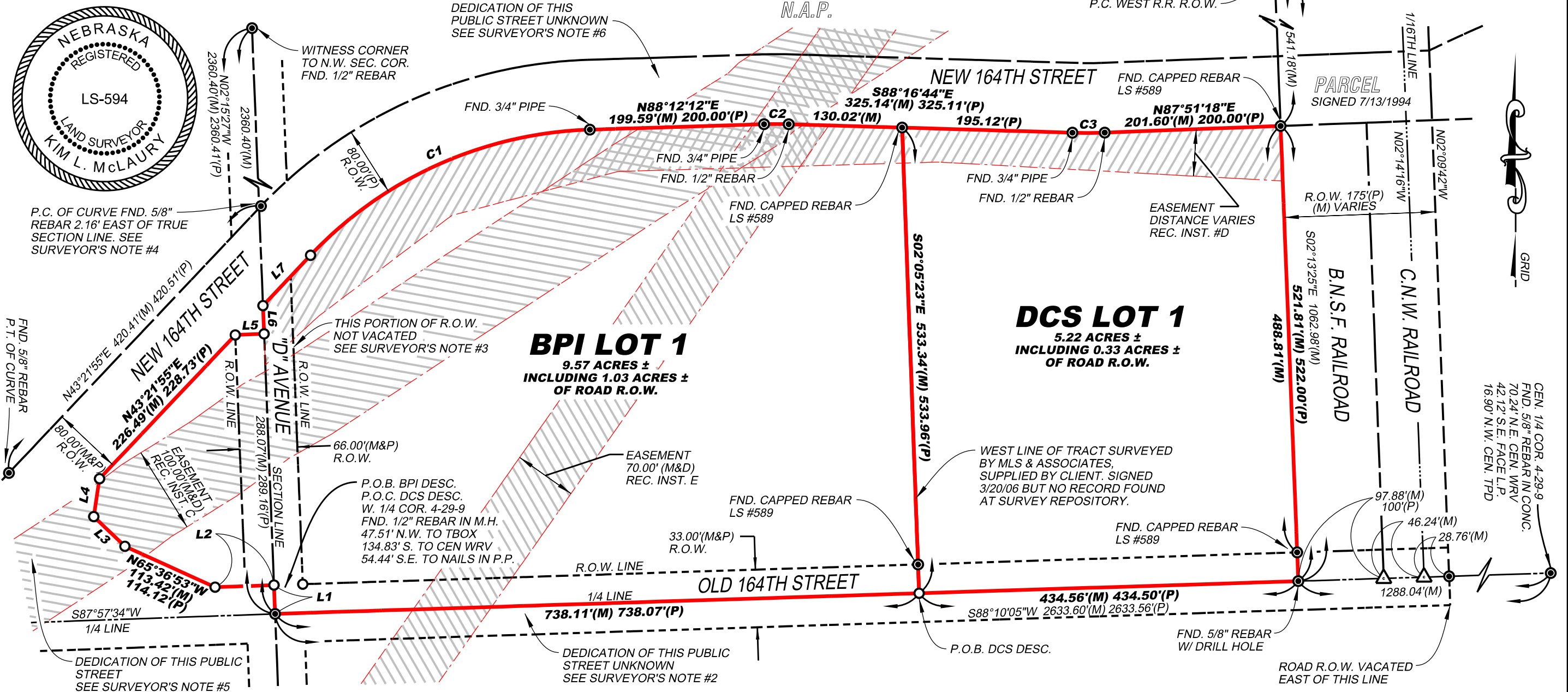


**SURVEY PLAT
OF**

**DCS LOT 1, IN THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 4; AND BPI LOT 1 IN
THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER
OF SECTION 4 AND IN THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 5, ALL IN
TOWNSHIP 28 NORTH, RANGE 9 EAST OF THE 6TH P.M.,
SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA**

LEGEND:

- IRON MONUMENT FOUND
TYPE NOTED
- IRON MONUMENT SET
5/8" x 24" REBAR W/CAP
"NERLS KLM 594"
- △ CALCULATED CORNER
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE
- R.O.W. RIGHT OF WAY
- N.A.P. NOT A PART OF THIS SURVEY
- M.H. MANHOLE
- TBOX TELEPHONE BOX
- WRV WATER VALVE
- P.P. POWER POLE
- L.P. LIGHT POLE
- TPD TELEPHONE PEDESTAL



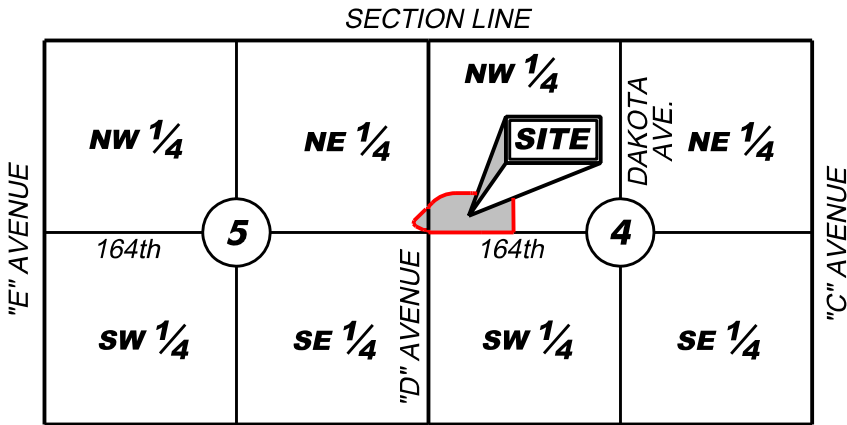
SURVEY PLAT
OF
DCS LOT 1, IN THE SOUTHWEST QUARTER OF THE
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OF SECTION 4 AND IN THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 5, ALL IN
TOWNSHIP 28 NORTH, RANGE 9 EAST OF THE 6TH P.M.,
SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA

CURVE TABLE

NAME	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT LENGTH	CHORD DIRECTION
C1	44°50'16"	460.00	359.98	350.87	189.78	N 65°47'03" E
C2	03°31'04"	460.00	28.24	28.24	14.13	N 89°57'44" E
C3	03°51'58"	549.41	37.06	37.06	15.65	N 89°47'17" E

LINE TABLE

NAME	DISTANCE (M)	DISTANCE (P)	DIRECTION
L1	33.00	33.00	N 02°15'27" W
L2	67.49	66.86	S 87°57'34" W
L3	49.32	49.32	N 46°22'38" W
L4	43.94	42.13	N 08°38'58" E
L5	33.00	33.00	N 87°44'33" E
L6	32.29		N 02°15'27" W
L7	79.38	75.21	N 43°21'55" E



VICINITY MAP
NO SCALE

LEGAL DESCRIPTION OF BPI LOT 1:

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, AND THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, ALL IN TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH P.M., SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 5;

THENCE N02°15'27"W, ALONG THE EAST LINE OF SAID SECTION, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF NEW 164TH STREET, A DISTANCE OF 33.00 FEET TO THE NORTH LINE OF THE PREVIOUSLY PLATTED OLD 164TH STREET;

THENCE S87°57'34"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID NORTH LINE OF THE PREVIOUSLY PLATTED OLD 164TH STREET, A DISTANCE OF 67.49 FEET;

THENCE N65°36'53"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 113.42 FEET;

THENCE N46°22'38"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 49.32 FEET;

THENCE N08°38'58"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 43.94 FEET;

THENCE N43°21'55"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 226.49 FEET;

THENCE N87°44'33"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 33.00 FEET TO THE EAST LINE OF SAID SECTION 5;

THENCE N02°15'27"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND SAID EAST LINE OF SECTION 5, A DISTANCE OF 32.29 FEET;

THENCE N43°21'55"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 79.38 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, AN ARC DISTANCE 359.98 FEET, SAID CURVE HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 44°50'16", THE CHORD OF SAID CURVE BEARS N65°47'03"E A DISTANCE OF 350.87 FEET;

THENCE N88°12'12"E, TANGENT TO THE LAST DESCRIBED CURVE AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 199.59 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 28.24 FEET, SAID CURVE HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 03°31'04", THE CHORD OF SAID CURVE BEARS N89°57'44"E A DISTANCE OF 28.24 FEET;

THENCE S88°16'44"E, TANGENT TO THE LAST DESCRIBED CURVE AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 130.02 FEET;

THENCE S02°05'23"E, A DISTANCE OF 533.34 FEET TO THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4;

THENCE S88°10'05"W, ALONG SAID SOUTH LINE, A DISTANCE OF 738.11 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 9.57 ACRES MORE OR LESS.

LEGAL DESCRIPTION OF DCS LOT 1:

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH P.M., SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION;

THENCE N88°10'05"E, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, A DISTANCE OF 738.11 FEET TO THE POINT OF BEGINNING;

THENCE N02°05'23"W, A DISTANCE OF 533.34 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NEW 164TH STREET;

THENCE S88°16'44"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 195.12 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 37.06 FEET, SAID CURVE HAVING A RADIUS OF 549.41 FEET AND A CENTRAL ANGLE OF 3°51'58", THE CHORD OF SAID CURVE BEARS N89°47'17"E A DISTANCE OF 37.06 FEET;

THENCE N87°51'18"E, TANGENT TO LAST DESCRIBED CURVE AND ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 201.60 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTE FE RAILROAD;

THENCE S02°13'25"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 521.81 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4;

THENCE S88°10'05"W, ALONG SAID SOUTH LINE, A DISTANCE OF 434.56 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 5.22 ACRES MORE OR LESS.

SURVEY CREW: MSB TAA 12/12/07

DRAWN BY: J JL 7/11/08

PROJECT NO. 12071107

SCALE: NONE



McLaury
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118 W. MAIN STREET
ELK POINT, SD 57025
(605) 356-2308

SURVEY PLAT
OF
DCS LOT 1, IN THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 4; AND BPI LOT 1 IN
THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER
OF SECTION 4 AND IN THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 5, ALL IN
TOWNSHIP 28 NORTH, RANGE 9 EAST OF THE 6TH P.M.,
SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA

SURVEYOR'S NOTES:

1. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A COMPLETE TITLE REPORT. THE REPORT WAS CREATED BY NEBRASKA TITLE COMPANY OF SOUTH SIOUX CITY AND HAS A FILE NUMBER OF 1503185 AND AN EFFECTIVE DATE OF NOVEMBER 1, 2007.
2. THE SURVEY PERFORMED BY WAYNE WHEELER SIGNED 04/18/01 AND RECEIVED BY THE STATE REPOSITORY ON JUNE 2, 2001, RECORDED INSTRUMENT B, SHOWS THE SOUTH PROPERTY LINE OF THE ENTIRE PARCEL RUNNING ALONG THE NORTH RIGHT-OF-WAY LINE OF OLD 164TH STREET.
- FIRST, NO WHERE IN THE TITLE REPORT OR IN OUR INDIVIDUAL RESEARCH COULD WE FIND OLD 164TH STREET BEING DEDICATED TO THE PUBLIC USE. AN INTENT OF A RIGHT-OF-WAY IS OBVIOUS AND IS LONG STANDING. IT IS OUR STAND THAT IF THE RIGHT-OF-WAY IS IN EXISTENCE IT IS SIMILAR TO SECTION LINE RIGHT-OF-WAY, AND IS AN EASEMENT.
- SECOND, A PORTION OF THE LONG STANDING RIGHT-OF-WAY WAS VACATED FROM THE EAST SECTION LINE TO THE EAST RIGHT-OF-WAY LINE OF THE CHICAGO NORTHWESTERN RAILROAD IN BOOK 63 PAGE 576 FILED ON SEPTEMBER 2, 1994. NO VACATION FOUND OR SUPPLIED IN REGARDS TO THIS SPECIFIC PORTION HOWEVER.
- THEREFORE THE CORRECT SOUTH PROPERTY LINE IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER. THE ACRES OF RIGHT-OF-WAY ARE SHOWN PER EACH LOT.
3. NO DOCUMENT WAS SUPPLIED IN TITLE REPORT REGARDING THE VACATION OF ANY PORTION OF "D" AVENUE IN THE NORTHWEST QUARTER OF SECTION 4. THEREFORE THE 66.00 FOOT RIGHT-OF-WAY IS STILL IN EXISTENCE AND SHOWN.
4. THIS MONUMENT WAS FOUND BY OLSSON'S AND ASSOCIATES AND CALLED OUT AS BEING ON THE SECTION LINE AND USED FOR BPI LOT SPLIT IN THE S.E. 1/4 OF N.E. 1/4 OF SECTION 5, SURVEYED AUGUST 8, 2003, RECORDED INSTRUMENT F. THIS MONUMENT IS THE P.C. OF THE CURVE AND IS 2.16 FEET EAST OF THE SECTION LINE. A CALL WAS MADE TO TIM AITKEN, LS #458 TO CORRECT THE PLAT. HE REQUESTED WE CORRECT THE PARCEL IN OUR PLAT. MEASURED AND PLATTED DISTANCES ARE SHOWN.
5. LOOKING AT THE BPI LOT SPLIT, RECORDED INSTRUMENT F, ONE WOULD BELIEVE THAT THE ENTIRE PARCEL WAS OWNED BY BPI. THE SPLIT WOULD BE PLATTING 164TH ROAD WHICH INCLUDES THAT PORTION OF OLD 164TH AND "D" AVENUE. NO STATEMENT DEDICATING THIS TO THE PUBLIC IS ON THE PLAT, ALTHOUGH THE INTENT IS OBVIOUS.
- I TAKE FROM THAT PLAT THAT PORTION OF OLD 164TH AND "D" AVENUE HAVE NOW BEEN DEDICATED AND IN THOSE AREAS ARE NO LONGER EASEMENT. THEREFORE, THAT PORTION OF "D" AVENUE NORTH OF BPI'S PARCEL AND THAT PORTION OF OLD 164TH AVENUE SOUTH OF BPI'S PARCEL ARE OWNED BY THE COUNTY OR CITY, WHICHEVER HAS JURISDICTION.
- IF THIS WAS NOT THE CASE, THAN THE BPI LOT SHOULD HAVE WENT WEST FROM THE EAST QUARTER CORNER A DISTANCE OF 66.86 FEET ALONG THE SOUTH LINE OF THAT PORTION OF THE SECTION, THAN NORTH TO THE NORTH RIGHT-OF-WAY LINE OF OLD 164TH ROAD. EITHER LAND IS DEDICATED AND GIVEN TO THE PUBLIC, IN WHICH CASE NO ONE PAYS TAXES ON THAT PORTION, OR THE LINE WOULD BE PLATTED TO THE SOUTH LINE AND BPI WOULD PAY TAXES ON THAT PORTION.
6. NEW 164TH STREET IS ON THE NORTH SIDE OF BPI LOT 1 AND DCS LOT 1. NO DOCUMENT WAS SUPPLIED IN TITLE REPORT IN REGARDS TO ITS DEDICATION TO THE PUBLIC. THE ASSUMPTION IS THAT A FULL 80.00 FEET OF RIGHT-OF-WAY EXISTS. IT IS LABELED AS 164TH STREET ON SURVEY PERFORMED BY MLS WE RECEIVED FROM THE CLIENT BUT NEVER FILED, IT IS LABELED AS IBP ROAD ON A SURVEY PERFORMED BY S.E.A. SIGNED APRIL 18, 2001. WE HAVE CONSIDERED IT AS A TAKE, NOT AN EASEMENT, AS NO ONE IS PAYING TAXES ON THAT PORTION.

SURVEYOR'S CERTIFICATION:

I CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

KIM LaRUE McLAURY

DATE OF SIGNATURE



ANY CERTIFICATION EXPRESSED OR IMPLIED HEREIN APPLIES ONLY TO THE INDIVIDUAL(S), ASSOCIATION(S), AGENCY(S), AND/OR CORPORATION(S) EXPLICITLY LISTED. ANY CERTIFICATION EXPRESSED OR IMPLIED IS INVALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF "KIM LaRUE McLAURY, STATE OF NEBRASKA, REGISTERED PROFESSIONAL LAND SURVEYOR, NUMBER 594".

SURVEY CREW: MSB TAA 12/12/07

DRAWN BY: JJL 7/11/08

PROJECT NO. 12071107

SCALE: NONE



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