

CITY COUNCIL PROCEEDINGS

December 14, 2022

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on December 8, 2022, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council President Tom Kobus, Council members Jessica Miller, Kevin Woita, Pat Meysenburg, John Vandenberg, Bruce Meysenburg, City Attorney David Levy, Interim City Administrator/City Clerk Tami Comte, and Deputy Clerk Lori Matchett.

Also present for the meeting were: Jan & Dan Sypal, Mark & Willow Holoubek, Cody Wickham with DA Davidson, Special Projects Coordinator Dana Trowbridge, Banner-Press Correspondent Hannah Schrodtt and Sheriff Tom Dion.

The meeting opened with the Pledge of Allegiance.

Mayor Alan Zavodny informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. He also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Council member Pat Meysenburg made a motion to approve the minutes of the December 7, 2022 meeting as presented. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to approve the claims as presented. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was committee and officers reports.

Mayor Alan Zavodny stated that he wanted to thank everyone and wish them success in the years to come. He stated that after twelve years he was at peace with where everything was.

Council member Kevin Woita made a motion to approve the committee and officer reports as presented. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg introduced Ordinance No. 1420 Updating the Mayor & Council pay. Mayor Zavodny read Ordinance No. 1420 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1420 on 3rd & Final reading updating the Mayor & Council pay. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1420

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, SETTING THE COMPENSATION FOR ELECTED OFFICIALS; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. Whereas, Section 1-901 of the David City Municipal Code states: The officers and employees of the City shall receive such compensation as the Mayor and Council shall fix by ordinance.

SECTION 2. The salaries of the elected officials of the Municipality of David City are hereby fixed as follows:

Mayor –

_____ (\$350.00) for each regular meeting(s).
_____ (\$175.00) for each special meeting(s).

Council members -

_____ (\$275.00) for each regular meeting(s).
_____ (\$137.50) for each special meeting(s).

Notwithstanding the foregoing, the Mayor or a Council Member may miss one meeting per calendar year and receive meeting pay for that meeting. Any additional absences shall be unpaid.

SECTION 3. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval, and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect as of December 14, 2022.

PASSED AND APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami L. Comte

Council member Pat Meysenburg made a motion to recess the City Council meeting at 7:08 p.m. to convene as the CDA. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea,
Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Chairman Alan Zavodny declared the Community Development Agency in session and asked for the Secretary to call the roll.

CDA member Pat Meysenburg made a motion to approve the minutes of the December 14, 2022 meeting of the CDA. CDA Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny: Yea
Yea: 7, Nay: 0

CDA member Kevin Woita made a motion to pass and adopt Resolution No. 6-2022 CDA recommending adoption of the "Redevelopment Plan for the Northwest Industrial Area" to the City Council. CDA Member Pat Meysenburg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny: Yea
Yea: 7, Nay: 0

RESOLUTION NO. 6-2022 CDA

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF DAVID CITY, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN ENTITLED, "REDEVELOPMENT PLAN FOR THE NORTHWEST INDUSTRIAL AREA," TO THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

WHEREAS, pursuant to Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"), a redevelopment plan entitled "Redevelopment Plan for the Northwest Industrial Area" (the "Plan"), setting forth certain redevelopment activities in the City of David City, Nebraska (the "City"), was submitted to the Planning Commission of the City, for approval and recommendation to the Mayor and City Council of the City; and

WHEREAS, on December 10, 2022, the Planning Commission reviewed the Plan for its conformity with the comprehensive plan of the City, and recommended approval of the Plan to the Mayor and City Council of the City; and

WHEREAS, on December 14, 2022, the Community Development Agency of the City (the "Agency"), reviewed the Plan pursuant to section 18-2114 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY:

Section 1. Based on the substantial evidence in the record of this proceeding, the Agency finds as follows:

(a) The proposed land uses and building requirements in the redevelopment area as described in the Plan are designed with the general purpose of accomplishing, in conformance with the City's comprehensive plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Plan adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the elimination of, or prevention of the

recurrence of, insanitary or unsafe dwelling accommodations or conditions of blight.

(b) The Plan contains a satisfactory statement of the proposed method and estimated cost of acquisition and preparation for redevelopment of the redevelopment area; the required public improvements; the estimated proceeds or revenue expected to be obtained by the City from disposal of property to the redeveloper, if any; the method of financing for the proposed redevelopment; a cost-benefit analysis; and a statement regarding the displacement of families, if any, within the redevelopment area.

Section 2. Based on the foregoing and substantial evidence in the record of this proceeding, the Agency recommends approval and adoption of the Plan to the Mayor and City Council of the City, and pending such approval and adoption, hereby adopts and approves the Plan.

PASSED AND APPROVED this 14th day of December, 2022.

Community Development Agency
of the City of David City, Nebraska

By: _____
Chairperson

ATTEST:

By: _____
Secretary

CDA member Tom Kobus made a motion to approve the campground pay estimate #1 for M.E. Collins in the amount of \$202,173.00. CDA Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny: Yea

Yea: 7, Nay: 0



PROGRESS ESTIMATE

Date: 7-Dec-22

Project: David City RV Parking Campground

Collins Project No: 222647

To: City of David City

Contractor Estimate No.: 1

Attn: Dave Henke

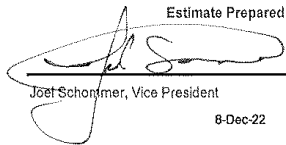
Original Contract Amount: \$ 483,774.00

Item	Description	Contract Qty	Qty To Date	Unit Price	Amount
<u>GROUP B - CAMPGROUND SANITARY SEWER SERVICE</u>					
2	BONDING AND INSURANCE	1	LS	\$ 2,101.00	\$ -
3	8" PVC SANITARY SEWER MAIN, SDR 35	725	LF	\$ 58.00	\$ -
5	48" DIA. CONCRETE MANHOLE	49	VF	\$ 860.00	\$ -
8	CONNECT TO EXISTING MANHOLE	1	EA	\$ 1,468.00	\$ -
9	8" x 4" WYE, PVC	20	EA	\$ 308.00	\$ -
10	4" PVC SANITARY SEWER SERVICE, SDR 26	950	LF	\$ 38.00	\$ -
11	CAMPSITE SEWER HOOKUP	20	EA	\$ 1,188.00	\$ -
<u>GRADING AND SITE WORK</u>					
1	MOBILIZATION	1	LS	\$ 1,576.00	\$ -
8	6" CONCRETE PAVEMENT	500	SY	\$ 88.00	\$ -
<u>GRADING AND SITE WORK</u>					
9	24" RCP, CLASS III	65	LF	65.00 \$ 103.00	\$ 6,695.00
10	STORM SEWER INLET, TYPE A	1	EA	\$ 5,033.00	\$ -
11	10' x 8' STORM SEWER JUNCTION BOX	1	LS	1.00 \$ 16,442.00	\$ 16,442.00
12	54" RCP, CLASS III	608	LF	608.00 \$ 292.00	\$ 177,536.00
<u>GROUP D - RESIDENTIAL SANITARY SEWER SERVICE</u>					
2	BONDING AND INSURANCE	1	LS	\$ 2,101.00	\$ -
3	8" PVC SANITARY SEWER MAIN, SDR 35	750	LF	\$ 58.00	\$ -
6	8" x 4" WYE, PVC	4	EA	\$ 425.00	\$ -
7	4" PVC SANITARY SEWER SERVICE, SDR 26	200	LF	\$ 42.00	\$ -
8	48" DIA. CONCRETE MANHOLE	26	VF	\$ 902.00	\$ -
ADDED	RIP RAP TYPE B	1	LS	1.00 \$ 1,500.00	\$ 1,500.00

Previous Requested Amounts:
 Estimate #1: \$202,173.00

TOTAL EARNED TO DATE: \$ 202,173.00
 Retainage 0% \$ -
 Other Deductions \$ -
NET ESTIMATE TO DATE: \$ 202,173.00
 Less Previous Requests: \$ -
TOTAL DUE THIS ESTIMATE: \$ 202,173.00

Estimate Prepared by :



 Joel Schormer, Vice President
 8-Dec-22

CDA member Pat Meysenburg made a motion to adjourn. CDA Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny: Yea
Yea: 7, Nay: 0

Council member Bruce Meysenburg made a motion to come back into open session at 7:16 p.m. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Mayor Zavodny declared the public hearing open at 7:16 p.m. to hear public comments on a Redevelopment Plan entitled: "Redevelopment Plan for the Northwest Redevelopment Area" in accordance with Section 18-2112, of the Nebraska Community Development Law.

Michael Sands, Attorney with Bairdholm, explained the redevelopment plan.

Mark & Willow Holoubek expressed concerns regarding extending the sewer across their property and with drainage in the area.

Mayor Zavodny declared the public hearing closed at 7:27 p.m.

Council member Bruce Meysenburg made a motion to pass & adopt Resolution No. 29-2022 approving and adopting the "Redevelopment Plan for the Northwest Industrial Area".

Council Member Pat Meysenburg seconded the motion. The motion carried.
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 29-2022

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, ADOPTING AND APPROVING A REDEVELOPMENT PLAN ENTITLED, "REDEVELOPMENT PLAN FOR THE NORTHWEST INDUSTRIAL AREA".

WHEREAS, pursuant to the Nebraska Community Development Law, Nebraska Revised Statutes Sections 18-2101 et. seq. (the "Act"), the Mayor and City Council of the City of David City, Nebraska (the "City"), designated portions of the City as a blighted and substandard community redevelopment areas under the Act; two such areas being commonly referred to as the "Northwest Redevelopment Area" and the "Industrial Park Expansion 2020 Redevelopment Area" (collectively, the "Redevelopment Areas"); and

WHEREAS, the Mayor and City Council finds based on substantial evidence in the record of this proceeding that redevelopment of the Redevelopment Areas will result in the elimination and

prevention of blight and aligns with the purposes of the Act and the City's comprehensive plan for land use and development (the "Comprehensive Plan"); and

WHEREAS, attached hereto as Exhibit "A" is a tax-increment financing redevelopment plan for redevelopment within the Redevelopment Areas entitled, "Redevelopment Plan for the Northwest Industrial Area" (the "Redevelopment Plan"), which sets forth a specific redevelopment project within portions of the Redevelopment Areas (the "Redevelopment Project"); and

WHEREAS, in conformance with the Act, the Planning Commission of the City held a duly noticed public hearing on the Redevelopment Plan on December 10, 2022, and provided written findings on and recommended the Mayor and City Council's adoption and approval of the Redevelopment Plan; and

WHEREAS, in conformance with the Act, the Community Development Agency of the City (the "Agency") previously provided written findings on and recommended the Mayor and City Council's adoption and approval of the Redevelopment Plan; and

WHEREAS, on December 14, 2022, the Mayor and City Council held a duly noticed public hearing on the Redevelopment Plan, in conformance with the Act; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and City Council determined that the Redevelopment Plan complies with the Comprehensive Plan of the City and will result in the elimination and prevention of blight; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and City Council determined that the Redevelopment Project contemplated in the Redevelopment Plan would not occur and would not be economically feasible without the use of tax-increment financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Redevelopment Plan attached as Exhibit "A" complies with the Comprehensive Plan of the City.

Section 2. Based on the substantial evidence in the record of this proceeding, the Mayor and City Council finds as follows:

(a) The proposed land uses and building requirements for the Redevelopment Project as described in the Redevelopment Plan are designed with the general purpose of accomplishing, in conformance with the City's Comprehensive Plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Redevelopment Plan adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage and other public utilities, schools, parks, recreational and community facilities and other

public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the elimination of, or prevention of the recurrence of, insanitary or unsafe dwelling accommodations or conditions of blight.

(b) The Redevelopment Plan contains a satisfactory statement of the proposed method and estimated cost of acquisition and preparation for the Redevelopment Project; that no public improvements are required to be provided except as set forth in the Redevelopment Plan with respect to the Redevelopment Project; that there are no estimated proceeds or revenue expected to be obtained by the City from disposal of property to the redeveloper except as set forth in the Redevelopment Plan; that the Redevelopment Plan sets forth a satisfactory method of financing for the Redevelopment Project consisting of direct payment for public improvements or grant assistance to the redeveloper for the Redevelopment Project, as designated in the Redevelopment Plan, which method of financing is the issuance by the City of its tax increment revenue bond(s) to provide funds to pay for the costs of certain eligible improvements by grant assistance and that there are no families currently living within the redevelopment area, as set forth in the Redevelopment Plan, which are currently expected to be displaced from such area as a direct result of the Redevelopment Project.

(c) The cost-benefit analysis prepared in conjunction with the Redevelopment Plan and attached thereto sets forth the factors required under section 18-2113 of the Act and supports the Mayor and City Council's adoption and approval of the Redevelopment Plan.

Section 3. The Redevelopment Project set forth in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing; would not occur in the redevelopment area described in the Redevelopment Plan without the use of tax-increment financing; and the costs and benefits of the Redevelopment Plan, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the Mayor and City Council and have been found to be in the long-term best interest of all those impacted by the Redevelopment Plan.

Section 4. Based on the foregoing and substantial evidence in the record of this proceeding, the Mayor and City Council hereby approves and adopts the Redevelopment Plan.

INTRODUCED BY COUNCIL MEMBER Bruce Meysenburg.

PASSED AND ADOPTED THIS 14TH DAY OF DECEMBER, 2022.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"
Redevelopment Plan

(See attached)

**REDEVELOPMENT PLAN FOR
THE NORTHWEST INDUSTRIAL AREA**

PREPARED NOVEMBER, 2022

**BY THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF DAVID CITY, NEBRASKA**

A. Introduction

This Redevelopment Plan for the Northwest Industrial Area (this "Redevelopment Plan"), prepared by the Community Development Agency of the City of David City, Nebraska (the "Agency"), is a guide for redevelopment activities to remove or eliminate blight and substandard conditions within the City of David City, Nebraska ("City"). The Mayor and City Council of the City (the "Council"), recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, designated certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the "Act").

Prior to the preparation of this Redevelopment Plan, and in compliance with the Act, the Mayor and Council designated portions of the City as a blighted and substandard community redevelopment area; two such areas being commonly referred to as the "Northwest Redevelopment Area" and the "Industrial Park Expansion 2020 Redevelopment Area". This Redevelopment Plan sets forth a proposed redevelopment project spanning both the Northwest Redevelopment Area and a portion of the Industrial Park Expansion 2020 Redevelopment Area to optimize the tax increment financing ("TIF") resources available to offset certain costs deemed eligible for reimbursement by TIF under the Act, and to remove existing and avoid future blighted and substandard conditions, all as further described herein. This Redevelopment Plan contemplates the construction of infrastructure improvements to support the future development of industrial and commercial space within the Northwest Redevelopment Area and Industrial Park Expansion 2020 Redevelopment Area (such infrastructure improvements being collectively referred to herein as the "Redevelopment Project").

B. Redevelopment Area; Existing Conditions; Conflict with Existing Plans

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the "Redevelopment Area"). The Redevelopment Area encompasses the entirety of the Northwest Redevelopment Area and a portion of the Industrial Park Expansion 2020 Redevelopment Area. To the extent the terms of this Redevelopment Plan conflict with the terms of any other redevelopment plan previously adopted by the City with respect to any parcels included within the Redevelopment Area, this Redevelopment Plan shall act to amend such prior redevelopment plans with respect to such conflicting terms and shall supersede and control.

C. Conformance with the Comprehensive Plan

It is essential to the City's comprehensive plan for development (the "Comprehensive Plan") that dilapidated, inadequate, or deteriorating portions of the City conform to the current and future needs of the City as it continues to grow and expand. The Comprehensive Plan further sets forth the following objectives:

- Facilitate the development of commercial and industrial space to the west of Hwy 15;

- Improve and extend the City's existing street grid system;
- Utilize economic development tools/initiatives to promote employment and/or industrial diversification in the City;
- Facilitate employment growth in industrial sectors;
- Develop an equitable strategy for the financing of future utility extensions; and
- Ensure the capacity of the utility and transportation systems can meet current and future demands of the City.

The Redevelopment Project will assist in carrying out the above objectives. Accordingly, the Redevelopment Project is in conformance with and furthers the objectives under the City's Comprehensive Plan.

D. Redevelopment Project Overview

The Redevelopment Area consists of approximately 472 acres of (mostly) undeveloped land approximately located to the west of Road M, between Road 37 on the north, and Road 36 on the south. The Redevelopment Project will result in the construction of necessary site preparation, infrastructure and transportation networks for commercial and industrial uses. Ag Processing Inc. ("AGP") and the City will each undertake a portion the public infrastructure improvements contemplated as part of the Redevelopment Project (in such capacities, collectively referred to herein as "Redeveloper"). The scope of the City's and AGP's respective obligations related to the construction of the Redevelopment Project shall be set forth in the "Redevelopment Contract(s)" (as defined in the Act) for the Redevelopment Project, entered into between such parties. Redeveloper will construct the Redevelopment Project over a period of years consisting of the following improvements, among others (the "Public Improvements"):

- Construction of 16" water main from the City's water tower to Redevelopment Area;
- Extension of trunk sewer to Redevelopment Area;
- Construction of street connecting to Road 37 and 4th Street;
- Construction of street improvements to Road 37; and
- Construction of vehicular bridge on Road 37 spanning BNSF railway.

The above list of Public Improvements is not exhaustive, and the Public Improvements shall include all items related to or ancillary thereto, together with such other items/costs which are eligible for reimbursement from TIF under the Act, and which are reasonably related to or benefit the Redevelopment Area as part of the Redevelopment Project.

Exhibit "B", attached hereto and incorporated herein, sets forth the proposed site plan for the Redevelopment Project. The site plan is preliminary in nature and subject to change.

At completion of the Redevelopment Project, Redeveloper anticipates that the infrastructure constructed as part of the Redevelopment Project will allow for the development of certain private improvements within the Redevelopment Area, as follows (referred to herein as the "Private Improvements"):

- Parcels 120033187 & 120033159 – Construction of AGP processing facilities;
- Parcel 120008565 – Timpfe facilities expansion;
- Parcel 120008567 – AKRS Equipment Solutions project; and
- Remaining parcels – commercial/industrial development TBD

The exact nature of the Private Improvements is speculative and subject to change without amendment of this Redevelopment Plan. Such Private Improvements are not a part of the Redevelopment Project undertaken by Redeveloper, but will affect the anticipated future valuation of the Redevelopment Area; with such increases in the incremental ad valorem property taxes (“TIF Revenues”) within the Redevelopment Area ultimately funding the Redevelopment Project via TIF.

The division of TIF Revenues will occur in phases on a lot-by-lot basis over the course of multiple years. The phases will be based upon the rate of construction of the Private Improvements, such that the "Effective Date" (as provided under section 18-2147 of the Act) for purposes of TIF will be determined on a lot by lot basis in order to maximize the TIF Revenues available to help finance the Redevelopment Project. Economic conditions and market demands will determine the progression of construction and number of phases needed for the Private Improvements.

The majority of the Public Improvements are (or will be) located within public rights-of-way. The lots on which the Private Improvements are built are (or will be) privately owned by developers. No families or businesses will be displaced as a result of the Redevelopment Project. It is anticipated the Redevelopment Project will require some public acquisition of private land for the purpose of acquiring or expanding the public rights-of-way necessary to construct the Public Improvements. If necessary, this Redevelopment Plan explicitly contemplates and authorizes the use of eminent domain by the City and/or the Agency in relation to the foregoing.

E. Existing Conditions

1. Existing Land Use

The Redevelopment Area primarily consists of vacant agricultural land, with the exception of Parcel 120008572, which is the site of Aurora Co-Op Elevator Company.

2. Existing Zoning

The Redevelopment Area is currently zoned for transitional agricultural use.

3. Existing Public Improvements

Public access to the Redevelopment Area currently exists from Road "M" to the east, Road 36 to the south, and Road 37 to the north. The majority of the Redevelopment Area is without City water and sewer. Other than Parcel 120008572, the lots making up the Redevelopment Area are without internal paving, sewer, water, electrical service, and related infrastructure.

F. Proposed Redevelopment

1. Public Improvements

The Redevelopment Project will require significant infrastructure and other public improvements. These improvements will include, but are not limited to:

a. Public Access; Traffic Flow, Street Layouts and Street Grades

To provide the infrastructure necessary for the Private Improvements, the Redevelopment Project requires extensive street improvements, including the construction of street improvements to Road 37, an additional street connecting Road 37 and 4th Street, and the construction of vehicular bridge on Road 37 spanning the BNSF railway line. The Public Improvements f will address any traffic and street infrastructure concerns that would otherwise be created by the Redevelopment Project. All streets and other public infrastructure constructed by Redeveloper will be subject to review and approval by the City's engineer or other designee of the City and/or state.

b. Construction of Water and Sewer Improvements.

Redeveloper will construct or extend water and sewer systems to provide appropriate service to the Redevelopment Area.

c. Other incidental improvements

Redeveloper anticipates the construction of electric, gas and telecommunications utilities/facilities extending to the Private Improvements to be constructed within the Redevelopment Area. The anticipated Public Improvements (and related costs) for the Redevelopment Project are listed in Exhibit "D", attached hereto and incorporated herein.

d. Additional public facilities or utilities

Other than the construction or extension of the utilities and infrastructure detailed above, it is anticipated that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Area.

e. Property Acquisition, Demolition and Disposal

No public acquisition of private property, demolition of existing improvements, or

relocation of families or businesses is necessary to accomplish the Redevelopment Project.

f. Population Density

The Redevelopment Area primarily consists of vacant agricultural land. The anticipated Private Improvements stemming from the Redevelopment Project are commercial/industrial in nature and will not impact population density.

g. Land Coverage

Land coverage for the Redevelopment Area includes approximately 472 acres of land. The Redevelopment Project will not have an impact on land coverage or building densities. However, the Private Improvements stemming from the Redevelopment Project are anticipated to consist of the construction of large-scale commercial and industrial facilities. Any such Private Improvements will be subject to and must comply with all applicable land coverage ratios required by City code.

h. Parking

There are no parking requirements relevant to the Public Improvements constructed as part of the Redevelopment Project. However, the Private Improvements will be subject to and must comply with all applicable the City's zoning code and parking requirements.

i. Zoning, Building Code and Ordinance

The Public Improvements undertaken in conjunction with the Redevelopment Project will be constructed within public rights-of-way and will not require any changes to zoning. However, the developer's constructing the Private Improvements will be responsible for all necessary zoning, building code, or ordinance changes related thereto.

2. Private Improvements

As detailed above, the Private Improvements are not included within the scope of the work undertaken by Redeveloper under this Redevelopment Plan. Notwithstanding, it is anticipated that the Redevelopment Plan will facilitate the development of the Private Improvements detailed under Paragraph D, above.

G. Project Costs

The total estimated cost of the Redevelopment Project is \$30,946,910. A breakdown of the estimated costs of the Redevelopment Project are attached hereto and incorporated herein as Exhibit "C". Such figures are only estimates based upon 2022 pricing, and are subject to change without further amendment of this Redevelopment Plan.

H. Implementation

Redeveloper anticipates that construction of the Redevelopment Project will commence following approval of this Redevelopment Plan, and will be completed by the end of 2024, provided that extraneous factors may necessitate more or less time to complete the Redevelopment Project. The foregoing dates are preliminary and subject to change based upon market conditions, availability of materials, workforce availability and other extraneous factors. More or less time than the anticipated completion date listed above may be necessary as a result of such extraneous conditions or factors.

Development of the Private Improvements on the lots within the Redevelopment Area is anticipated to occur over the course of multiple years following the completion of the Redevelopment Project, and the construction of such Private Improvements will trigger the Effective Date for each lot, on a lot-by-lot and year-by-year basis until the completion of construction of Private Improvements on each lot within the Redevelopment Area.

I. Financing

The City and the Agency contemplate the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the Effective Date(s) as identified in the Redevelopment Contract for the Redevelopment Project, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and
- (b) That portion of the ad valorem tax on real property, as provided in the Redevelopment Contract(s) or bond/note resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as "TIF Revenues") shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount will be established on a lot-by-lot basis, in accordance with the buildout of the Private Improvements, in the manner detailed in Paragraphs D and H, above, as shall be further detailed in the Redevelopment Contract(s) entered into with respect to the Redevelopment Project. The Agency and Redeveloper anticipate that the Effective Dates will be different for each lot within the Redevelopment Area, and therefore the increment period for the same will be different.

Notwithstanding any provision herein to the contrary, all tax revenues resulting from the Private Improvements constructed on each lot shall only be divided and allocated over the applicable 15-year increment period or payment of the TIF Indebtedness, whichever occurs first.

1. Necessity of TIF

The Redevelopment Project is not economically viable and would not occur without the assistance of TIF. The Public Improvements necessary to facilitate and support the buildout of the Private Improvements are estimated to exceed \$30,946,910. Accordingly, the Redevelopment Area's lack of infrastructure makes the area too costly to attract private development. Thus, Redeveloper is undertaking the Redevelopment Project with the assistance of TIF to offset such costs and make the Redevelopment Area a viable area for private development (specifically, the Private Improvements). In the absence of the Redevelopment Project, development of the Redevelopment Area by private developers is economically infeasible due to the substantial infrastructure costs addressed by the Redevelopment Project, and would not occur.

2. Sources and Uses of Financing

Based upon the projections provided in Exhibit "D", attached hereto and incorporated herein, it is anticipated that the Private Improvements will result in a future tax assessed valuation of at least \$97,000,000 for the Redevelopment Area. In accordance therewith, the Agency contemplates issuance of two or more TIF bond(s) or note(s) (the "TIF Indebtedness") in an aggregate principal amount not to exceed \$23,078,029. The TIF Indebtedness shall bear interest at a rate to be determined by the Agency. The final principal and interest amount comprising the TIF Indebtedness shall be determined by the Agency and set forth in the Redevelopment Contract(s) or resolution authorizing the issuance of the TIF Indebtedness.

The total estimated cost of the Redevelopment Project is \$30,946,910. Redeveloper anticipates that the balance of the public and private costs exceeding the TIF Indebtedness will be financed via bond issuance, with respect to the Public Improvements undertaken by the City, and by a mix of equity and traditional financing, with respect to the Public Improvements undertaken by AGP. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

J. Cost-Benefit Analysis

A cost-benefit analysis for the Redevelopment Project is attached as Exhibit "E" and incorporated herein.

City Council Proceedings

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Exhibits:

- Exhibit A: Redevelopment Area and Existing Land Use
- Exhibit B: Site Plan
- Exhibit C: Estimated Construction Cost of the Redevelopment Project
- Exhibit D: Sources and Uses of TIF
- Exhibit E: Cost-Benefit Analysis

EXHIBIT "A"

Redevelopment Area and Existing Land Use

Parcel IDs:

120033159;
120033187;
120008572;
120008569;
120008565;
120008567;
120008563;
120008566; and
a portion of 120033145

* The above Parcel IDs are those in existence at the time of the drafting of this Redevelopment Plan, and may change over time. Additionally, in the event the Redevelopment Area is subdivided or replatted, the legal description(s) of such subdivided or replatted parcel(s) comprising the Redevelopment Area, upon final approval of the City with respect thereto, shall replace and supersede the above descriptions.

Depiction and Current Condition (outlined in red):

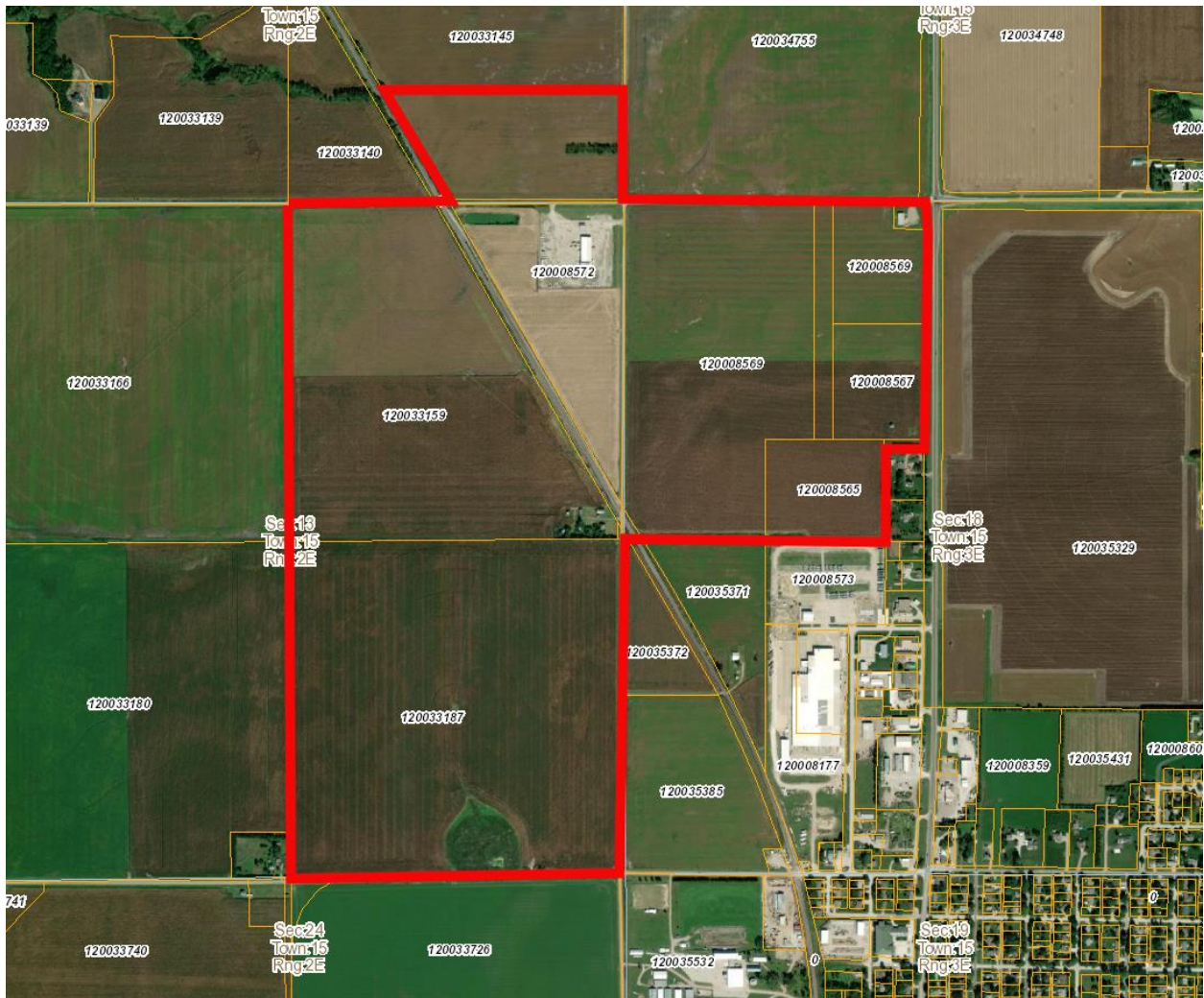


Exhibit "A"

EXHIBIT "B"

Site Plan and Future Land Use



* The attached is a preliminary site plan and is subject to change.

- Road improvements represented by yellow lines
- Water improvements represented by blue lines
- Sewer improvements represented by purple lines
- Bridge improvements represented by red lines

EXHIBIT "C"

Estimate of Construction Costs

Land Acquisition for Infrastructure	\$150,000
Water Extension	\$4,200,000
Sewer Extension	\$2,383,920
Timpte Road	\$1,800,000
Rd 37/4th St Connecting Road	\$18,845,000
Financing Costs	\$3,549,990
City Fees	\$18,000
<hr/>	
TOTAL	\$30,946,910

* The above figures are estimated values based on current pricing. These preliminary estimates are subject to change, as Redeveloper has no control over the change in cost of materials and services between the time of the approval of this Redevelopment Plan and commencement of construction.

EXHIBIT "D"

Sources and Uses of TIF

USES:

Land Acquisition for Infrastructure	\$150,000
Water Extension	\$4,200,000
Sewer Extension	\$2,383,920
Timpte Road	\$1,800,000
Rd 37/4th St Connecting Road	\$18,845,000
Financing Costs	\$3,549,990
City Fees	\$18,000
TOTAL	\$30,946,910

* The above "Uses" are preliminary estimates based on current pricing and are subject to change.

SOURCES:

General Assumptions:

Base Value:	\$2,482,475
Final Value:	\$97,000,000**
Tax Levy (2021):	1.64422
TIF Indebtedness Principal:	NTE \$23,078,029
Interest Rate:	TBD

* The above figures are estimates based upon the assumptions in this Exhibit "D" and are subject to change.

** The above final value is based upon the following estimates related to the buildout of the Private Improvements:

- Parcels 120033187 & 120033159 (AGP processing facilities) - \$80,000,000
- Parcel 120008565 (Timpte facilities expansion) – \$2,000,000
- Parcel 120008567 (AKRS Equipment Solutions project) – \$5,000,000
- Remaining parcels (commercial/industrial development TBD) – \$10,000,000

EXHIBIT "E"

**Cost-Benefit Analysis
(Pursuant to Neb. Rev. Stat. § 18-2113)**

The cost-benefit analysis for the Redevelopment Project, as described in the attached Redevelopment Plan, which will utilize funds authorized by section 18-2147 of the Act, is provided below:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The taxes generated by the base value of the Redevelopment Area will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Private Improvements will be captured to pay for the Redevelopment Project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Redevelopment Project, the true tax shift of the Redevelopment Project is a positive shift in taxes after 15 years (per lot). However, for the purposes of illustrating the incremental taxes used for TIF, the estimated tax shift for the Redevelopment Project is set forth in Exhibit "D" of the Redevelopment Plan, and is adopted hereby.

Notes:

1. *The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2021 levy rate. There has been no accounting for incremental growth over the 15 year TIF period.*

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Redevelopment Project:

a. Public infrastructure improvements and impacts:

The Redevelopment Project requires considerable public infrastructure installation. The Redevelopment Area will require the construction of street improvements to Road 37, the construction of vehicular bridge on Road 37 spanning the BNSF railway line, and a connection road between Road 37 and 4th Street. The Public Improvements for the Redevelopment Project will address any traffic and street infrastructure concerns that would otherwise be created by the Redevelopment Project. Extension of additional utilities/facilities to serve the Redevelopment Area will also be necessary, including the extension of water and sewer facilities. The Agency and Redeveloper do not anticipate that the Redevelopment Project will have a negative impact on now-existing City infrastructure.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Redevelopment Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Private Improvements, the Redevelopment Project should spur immediate tax growth for the City. The Redevelopment Project and new industrial activity therein will require and pay for City services. Additionally, the City will collect sales tax on a portion of the materials used for the Public Improvements and Private Improvements, in addition to the sales tax generated by the industrial activities conducted once the Private Improvements on the Redevelopment Area are completed. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the Redevelopment Area:

The future development of industrial uses will bring needed economic and workforce growth to the City. The completion of the Private Improvements is expected to create new jobs by allowing for current companies to expand, as well as attracting new business to the Redevelopment Area. Accordingly, the Redevelopment Project is expected to have a positive impact on employers and employees of firms locating or expanding within the boundaries of the Redevelopment Area.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the Redevelopment Area:

The Redevelopment Project should have a material positive impact on private sector businesses and citizens outside the boundaries of the Redevelopment Area. The Redevelopment Project will involve installation of public utilities, and the use of TIF should defray the costs of these and other public improvements that would otherwise be paid through tax revenue or special assessments that would burden adjacent property owners. The Redevelopment Project will provide much needed commercial and industrial development in the community, which will economically benefit employers, employees, and the City in general. Accordingly, the Redevelopment Project is anticipated to have a positive impact on surrounding employers and employees.

5. Impacts on student populations of school districts within the City:

The Redevelopment Project anticipates the construction of commercial/industrial improvements and will not impact student populations in the City.

6. Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The Redevelopment Area is blighted and contains substandard conditions that are a detriment to the City as a whole. The Redevelopment Project will provide the necessary infrastructure to revitalize and occupy a vacant space without negatively impacting the surrounding businesses, residents or straining the public infrastructure. There are no other material impacts determined by the Agency relevant to the consideration of the costs or benefits arising from the Redevelopment Project. As such, the costs of the Redevelopment Project are outweighed by its benefits.

(This area left intentionally blank)

Mayor Zavodny stated that the next item on the agenda was Ordinance No. 1421 to create Street Improvement District No. 2022-4, defining the boundaries of said district and the property contained therein; and providing for the construction of improvements therein.

Cody Wickham with DA Davidson introduced himself and said, "When you are doing these new development projects and if you're looking to finance any of the improvements there are certain steps that have to take place. The biggest being that you have to create the various districts. In this case there's pieces of these projects that fall under Street Improvement, Sanitary Sewer Improvement and Water Improvement. So, the next three items on your agenda are just creating those various districts and then when we do it in the proper order, that being creating these districts first, then you can authorize bond anticipation notes, it allows for that to kind of expedite that process, rather than creating the districts and coming back for another meeting and doing the bond Ordinance, because we can't actually sell bond anticipation notes until thirty days from when the Ordinance is adopted. So, going through and creating the districts in this order and then addressing the bond anticipation notes will allow you to do so."

Mayor Alan Zavodny said, "I can't go out in my last meeting without asking you some question about where things stand as far as financing rates. I see the fed went up a little bit again today."

Cody Wickham said, "They did. It was kind of baked in. They did another fifty basis points which, historically, they've really only raised rates a quarter at a time over the last twenty plus years and to see anything more than that was really out of the norm. But this was actually a pleasant surprise because the most recent meetings they've been raising them at seventy-five basis points, so it's starting to slow down a little bit. I think that maybe people can see the light at the end of the tunnel. These particular notes would be anywhere from two to three-year notes. The short-term notes are actually what is higher right now. We have an inverted yield curve, so the good news is that this amount won't be outstanding very long once the projects are complete. You can then convert to long term bonds and that's why I would suggest doing three-year notes just so you have flexibility if they are coming due in a year or two and then that limits that window of when you are converting them to ten- or fifteen-year bonds. If we make them three it allows us to better time the market. We can't go long-term debt until the projects are complete but if the projects are done and the rates are even higher, and we don't feel like it's a good time to do it that would give us a little more flexibility to convert that to long-term debt."

Mayor Alan Zavodny said, "At least when you have to give us bad news we know what we're up against."

Council member Bruce Meysenburg introduced Ordinance No. 1421 creating Street Improvement District No. 2022-4, defining the boundaries of said District and the property contained therein; and providing for the construction of improvements therein. Mayor Alan Zavodny read Ordinance No. 1421 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass & adopt Ordinance No. 1421 on 3rd & Final reading to create Street Improvement District No. 2022-4, defining the boundaries of said District and the property contained therein; and providing for the construction of improvements therein. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1421

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF DAVID CITY TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2022-4; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. The Mayor and City Council of the City of David City (the "City"), Butler County, Nebraska, hereby find and determine that it is in the best interests of the City to create a Street Improvement District for the construction of said improvements.

Section 2. There is hereby created within the City, a Street Improvement District to be known and designated as Street Improvement District No. 2022-4 (the "District"), the outer boundaries of which shall contain the property described on "Exhibit A". All or a portion of the Streets within the District shall be improved by removing existing surfaces, paving, grading, resurfacing or relaying existing pavement, constructing or reconstructing curbs, gutters, sidewalks, lighting systems, signage, and any necessary improvements incidental thereto as authorized by Section 17-509, Reissue Revised Statutes of Nebraska, 2012, as amended.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of David City, and shall be constructed in accordance with plans and specifications to be prepared by Olsson Associates, Consulting Engineers for the City, which plans shall be approved by the Mayor and City Council.

Section 4. The Mayor and City Council hereby determine that the construction of improvements in the District shall be funded by public cost as provided in Section 17-509, Reissue Revised Statutes of Nebraska, 2012. No notice of creation shall be required.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED 14th day of December, 2022.

Mayor

ATTEST:

City Clerk

(SEAL)

"Exhibit A"

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of

said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows:

Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows:

Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet, to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the

Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.

Council member Bruce Meysenburg introduced Ordinance No. 1422 to create Sanitary Sewer District No. 2022-1, defining the boundaries of said District and the property contained therein; designating the size, location and terminal points of the sanitary sewer lines for said District; and referring to the plans and specifications and estimate of the Engineer in connection therewith on file with the CityClerk. Mayor Alan Zavodny read Ordinance No. 1422 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to pass & adopt Ordinance No. 1422 on 3rd & Final reading to create Sanitary Sewer District No. 2022-1, defining the boundaries of said District and the property contained therein; designating the size, location and terminal points of the sanitary sewer lines for said District; and referring to the plans and specifications and estimate of the Engineer in connection therewith on file with the CityClerk. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1422

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A SANITARY SEWER EXTENSION DISTRICT WITHIN THE CITY TO BE KNOWN AS SANITARY SEWER

EXTENSION DISTRICT NO. 2022-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE SANITARY SEWER LINES FOR SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND ESTIMATE OF THE ENGINEER IN CONNECTION THEREWITH ON FILE WITH THE CITY CLERK.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. The Mayor and Council of the City of David City, Nebraska (the "City"), hereby find and determine that it is necessary and advisable to extend the municipal sanitary sewer system beyond the City's existing systems by the construction of the sanitary sewer system improvements as described below pursuant to the authority granted by Section 19-2402, R.R.S. Neb. 2012, as amended; that none of the properties located within the District hereby created are presently served by the City's existing sanitary sewer systems; and that all property within said District is either within the corporate limits of the City or within the extraterritorial zoning jurisdiction of the City.

Section 2. There is hereby created Sanitary Sewer Extension District No. 2022-1, the outer boundaries of which shall encompass the real estate, together with the streets upon which said properties directly abut, described on "Exhibit A".

Section 3. The size, location and terminal points of the proposed improvements for said District are described as follows:

Commencing at the intersection of Vivian Lane and Northland Drive and on Northland Drive southward 443 feet, thence deflecting south-southwest on Northland Drive 166 feet to the point of termination; and

Commencing approximately 1,050' north of the north ROW of "O" Street and along the east ROW line of NE Highway 15 in David City, NE. Thence eastward on Vivian Lane 595 feet, thence deflecting east-southeast on Vivian Lane 127 feet, thence deflecting southeast on Vivian Lane 127 feet, thence deflecting southward on Vivian Lane 200 feet, thence deflecting south-southwest on Vivian Lane 105 feet, thence deflecting southwest on Vivian Lane 127 feet to the point of termination.

The proposed improvements to be constructed consist of 8" sewer mains, manholes, service wyes, service laterals, dewatering, and related appurtenances as indicated on the plans and specifications referred to in Section 4 of this Ordinance.

Section 4. A more detailed description of the proposed improvements is shown on the plans and specifications on file at the office of the City Clerk, 557 4th St., David City, Nebraska. Said plans and specifications are hereby incorporated by reference as if set forth herein. Reference should be made to said plans and specifications for the specific sizing of pipes and mains as shown above.

Section 5. The engineers' estimates of total construction cost for the proposed improvements as heretofore filed with the City Clerk is \$462,121.00. The improvements shall be made at public cost, but special assessments may be levied to reimburse the City for the cost of the improvements as provided by law

Section 6. This ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

Section 7. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 14th day of December, 2022.

Mayor

ATTEST:

City Clerk

(Seal)

“Exhibit A”

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of

said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows:

Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows:

Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet, to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the

Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning

Council member Pat Meysenburg introduced Ordinance No. 1423 reading to create Water Extension District No. 2022-1, defining the boundaries of said District and the property contained therein; designating the size, location and terminal points of the water lines for said District; and referring to the plans and specifications and estimate of the Engineer in connection therewith on file with the City Clerk. Mayor Alan Zavodny read Ordinance No. 1423 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass & adopt Ordinance No. 1423 on 3rd & Final reading to create Water Extension District No. 2022-1, defining the boundaries of said District and the property contained therein; designating the size, location and terminal points of the water lines for said District; and referring to the plans and specifications and estimate of the Engineer in connection therewith on file with the City Clerk. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1423

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A WATER EXTENSION DISTRICT WITHIN THE CITY TO BE KNOWN AS WATER EXTENSION DISTRICT NO. 2022-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF

THE WATER LINES FOR SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND ESTIMATE OF THE ENGINEER IN CONNECTION THEREWITH ON FILE WITH THE CITY CLERK.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. The Mayor and Council of the City of David City, Nebraska (the "City"), hereby find and determine that it is necessary and advisable to extend the municipal water system beyond the City's existing systems by the construction of the water system improvements as described below pursuant to the authority granted by Section 19-2402, R.R.S. Neb. 2012, as amended; that none of the properties located within the District hereby created are presently served by the City's existing water systems; and that all property within said District is either within the corporate limits of the City or within the extraterritorial zoning jurisdiction of the City.

Section 2. There is hereby created Water Extension District No. 2022-1, the outer boundaries of which shall encompass the real estate, together with the streets upon which said properties directly abut, described on "Exhibit A".

Section 3. The size, location and terminal points of the proposed improvements for said District are described as follows:

Commencing at an existing water main located approximately 1,150' north of the north ROW of "O" Street and along the east ROW line of NE Highway 15 in David City, NE. Thence southward along the east ROW line of NE Highway 15 106 feet to Vivian Lane, thence eastward on Vivian Lane 638 feet, thence deflecting east-southeast on Vivian Lane 83 feet, thence deflecting southeast on Vivian Lane 119 feet, thence deflecting south-southeast on Vivian Lane 72 feet, thence deflecting southward on Vivian Lane 160 feet, thence deflecting south-southwest on Vivian Lane 72 feet, thence deflecting southwest on Vivian Lane 137 feet, thence deflecting west-southwest on Vivian Lane 72 feet, thence deflecting westward on Vivian Lane 112 feet to join with new water main on Northland Drive. At this point (STA. 126+40), new water main extends southward on Northland Drive 640 feet to connect onto an existing 12" city water main along the south side of "O" Street and terminating. Additionally, from point STA. 126+40, a new water main extends northward on Northland Drive 528 feet to connect with said main on Vivian Lane;

The proposed improvements to be constructed consist of 8" water mains, fire hydrants, valves, ductile iron fittings, service connections, service laterals, and related appurtenances as indicated on the plans and specifications referred to in Section 4 of this Ordinance.

Section 4. A more detailed description of the proposed improvements is shown on the plans and specifications on file at the office of the City Clerk, 557 4th St., David City, Nebraska. Said plans and specifications are hereby incorporated by reference as if set forth herein. Reference should be made to said plans and specifications for the specific sizing of pipes and mains as shown above.

Section 5. The engineers' estimates of total construction cost for the proposed improvements as heretofore filed with the City Clerk is \$389,180.00. The improvements shall be made at public cost, but special assessments may be levied to reimburse the City for the cost of the improvements as provided by law.

Section 6. This ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

Section 7. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 14th day of December, 2022.

Mayor

ATTEST:

City Clerk

“Exhibit A”

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of

said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows:

Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows:

Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet, to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the

Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning

Council member Pat Meysenburg introduced Ordinance No. 1424 authorizing the issuance and sale of General Obligation Bond Anticipation Notes, Series 2023, in an amount NOT TO EXCEED \$2,100,000 for the purpose of providing interim financing for the costs of constructing improvements in Street Improvement District No. 2022-4, Water Extension District No. 2022-1, and Sanitary Sewer Extension District No. 2022-1. Mayor Alan Zavodny read Ordinance No. 1424 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to pass & adopt Ordinance No. 1424 on 3rd & Final reading authorizing the issuance and sale of General Obligation Bond Anticipation Notes, Series 2023, in an amount NOT TO EXCEED \$2,100,000 for the purpose of providing interim financing for the costs of constructing improvements in Street Improvement District No. 2022-4, Water Extension District No. 2022-1, and Sanitary Sewer Extension District No. 2022-1. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1424

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2023, OF THE CITY OF DAVID CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION ONE HUNDRED THOUSAND DOLLARS (\$2,100,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS

OF CONSTRUCTING STREET IMPROVEMENTS IN Street Improvement District No. 2022-4, WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 2022-1, AND SEWER IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2022-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS AND PAYING COSTS OF ISSUANCE; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. The Mayor and City Council hereby find and determine that the City of David City, Nebraska (the "City") has by ordinance created Street Improvement District No. 2022-4, Water Extension District No. 2022-1, and Sewer Extension District No. 2022-1; that the City is authorized to construct improvements in said districts (together, the "Project"); that for the purposes of paying the costs of the Project the City is authorized to issue temporary financing pursuant to Sections 17-516 and 19-2405, R.R.S. Neb. 2012, as amended; that the City has contracted or is about to contract for the Project; that the estimated cost for work and other related costs in said districts requiring financings as described above is not less than \$2,047,262.50.

Section 2. The Mayor and Council further find and determine that it is therefore necessary and advisable that the City issue its notes pending permanent financing pursuant to Sections 18-1801 and 18-1802, R.R.S. Neb. 2012, as amended; that pursuant to Section 10-137, R.R.S. Neb. 2012, the City is authorized to issue notes for the purpose of providing temporary financing for the costs of the Project and to pay the cost of issuing the notes herein authorized; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of bond anticipation notes in the aggregate amount of not to exceed \$2,100,000 to pay such total estimated costs in said districts do exist and have been done as required by law.

Section 3. For the purpose of providing interim financing for the purposes as set out in Section 1 pending the issuance of permanent general obligation various purpose bonds by the City, there shall be and there are hereby ordered issued bond anticipation notes of the City of David City, Nebraska, to be known as Bond Anticipation Notes, Series 2023 (the "Notes"), in the aggregate principal amount of not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000), with said notes to become due no later than three years from the date of original issue, provided, that the Notes shall mature on such dates and in such amounts and bear interest at such rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or the City Treasurer (each, an "Authorized Officer") on behalf of the City, which Designation may also determine or modify the principal amount or maturity date of the Notes, mandatory redemption provisions (if any) and pricing terms as set forth in Section 9 hereof, all within the following limitations:

(a) the aggregate principal amount of the Notes shall not exceed \$2,100,000; and

(b) the true interest cost on the Notes shall not exceed 5.00%;

The Authorized Officers are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations shall constitute the action of the Mayor and Council without further action of the Mayor and Council.

The Notes shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Notes shall be the date of delivery thereof. Interest on the Notes shall be payable semiannually on June 15 and December 15 of each year commencing June 15, 2023 (or such other date or dates as provided in the Designation, each of said dates an "Interest Payment Date"), and the Notes shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding such Interest Payment Date (the "Record Date"), subject to the provisions of Section 5 hereof. The Notes shall be numbered from 1 upwards in the order of their issuance. The initial numbering and principal amounts for each of the Notes shall be designated by the City Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Notes prior to maturity or early redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Note, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid interest accrued thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Notes to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Note as the absolute owner of such Note for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Note or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Note in accordance with the terms of this ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Notes or claims for interest to the extent of the sum or sums so paid.

Section 4. Unless otherwise provided in the Designation, BOKF, National Association, in Lincoln, Nebraska, is hereby designated as Paying Agent and Registrar for the Notes. The City reserves the right in the discretion of the Mayor and Council to appoint a bank or trust company as successor to the City Treasurer in the capacity of Paying Agent and Registrar under the terms of an agreement to be approved at the time of any such designation. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Note or Notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Notes by this ordinance, one Note may be transferred for several such Notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Notes may be transferred for one or several such Notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Note, the surrendered Note shall be canceled and destroyed. All Notes issued upon transfer of the Notes so surrendered shall be valid obligations of the City evidencing the same obligations as the Notes surrendered and shall be

entitled to all the benefits and protection of this ordinance to the same extent as the Notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Note during any period from any Record Date until its immediately following interest payment date or to transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Notes on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Notes as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. If the date for payment of the principal of or interest on the Notes shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of David City, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 7. Unless otherwise provided in the Designation, the Notes of this issue shall be subject to redemption, in whole or in part, prior to maturity at the option of the City at any time on or after the date that is one year from the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Notes to be redeemed in its sole discretion, but Notes shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for new Notes evidencing the unredeemed principal thereof. Notice of redemption of any Note called for redemption shall be given at the direction of the City by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Note at such owner's registered address. Such notice shall designate the Note or Notes to be redeemed by number, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such Note to be redeemed. No defect in the mailing of notice for any Note shall affect the sufficiency of the proceedings of the City designating the Notes called for redemption or the effectiveness of such call for Notes for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Note for which defective notice has been given

Section 8. Said notes shall be substantially in the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER

BOND ANTICIPATION NOTE
OF THE CITY OF DAVID CITY, NEBRASKA
SERIES 2023

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	_____, 2026	_____, 2023	

Registered Owner: Cede & Co.

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of David City, in the County of Butler, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable semiannually on _____ and _____ of each year, commencing _____. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of the BOKF, National Association, in Lincoln, Nebraska, as Paying Agent and Registrar, upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Paying Agent and Registrar, as of the close of business on the fifteenth day prior to each Interest Payment Date, to such owner's address as shown on such books and records (the "Record Date"). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This note is redeemable at the option of the City prior to maturity anytime on or after _____, 2024 at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of _____ Dollars (\$ _____) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of David City for the purpose of providing interim financing for the costs of constructing street improvements in Street Improvement District No. 2022-___, water improvements in Water Extension District No. 2022-___, and sewer improvements in Sewer

Extension District No. 2022-___, pending the issuance of permanent general obligation various purpose bonds and paying costs of issuance. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Sections 17-516, 19-2405, and 10-137, Reissue Revised Statutes of Nebraska, 2012, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this note did exist, did happen and were done and performed in regular and due form and time as provided by law.

IN WITNESS WHEREOF the Mayor and Council of the City of David City, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF DAVID CITY, NEBRASKA

ATTEST: Mayor

City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

BOKF, NATIONAL ASSOCIATION
LINCOLN, NEBRASKA
Paying Agent and Registrar

(Form of Assignment)

For value received _____
hereby sells, assigns and transfers unto _____ the within mentioned note and
hereby irrevocably constitutes and appoints _____, attorney, to
transfer the same on the books of registration in the office of the within-in mentioned Paying
Agent and Registrar with full power of substitution in the premises.

Dated:

Registered Owner(s)

Witness: _____

Note: The signature of this assignment must correspond with the name as written on the face
of the within-mentioned note in every particular, without alteration, enlargement or any change
whatsoever.

Section 9. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company (DTC), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Note Participant") or to any person who is an actual purchaser of a Note from a Note Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Note Participant with respect to any ownership interest in the Notes,

(ii) the delivery to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or

(iii) the payment to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes.

The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Note Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Note Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of Section 3 of this ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Notes, they shall be delivered to the City Treasurer, who is authorized to deliver them to D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of not less than 98.00% of the principal amount of the Notes plus accrued interest thereon to date of payment for the Notes all as shall be stated in the Designation. Said initial purchaser shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Any of the Authorized Officers of the City are hereby authorized to approve, execute, and deliver a Note Purchase Agreement for and on behalf of the City. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes at closing.

Section 10. The City covenants and agrees to take all steps necessary for the completion of the Project described in Section 1 hereof in a manner to allow it to issue and sell its various purpose bonds or other bonds. The City further covenants and agrees to issue and sell its various purpose bonds or other bonds in a sufficient amount and at such times as will

enable it to take up and pay off the Notes herein ordered issued, both principal and interest, at or prior to maturity, or from other sources.

Section 11. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City.

Section 12. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the initial purchaser of the Notes. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 13. The City hereby covenants to the purchasers and holders of the Notes hereby authorized that it will make no use of the proceeds of said Note issue, including monies held in any sinking fund for the Notes, which would cause the Notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Notes, including reporting and payment of rebate amounts under Section 148 of the Code if and to the extent required. The City hereby designates the Notes as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest-bearing obligations aggregating in principal amount more than \$10,000,000 during calendar 2023 (taking into consideration the exception for current refunding issues).

Section 14. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 15. Each of the Authorized Officers is hereby authorized to approve, on behalf of the City, an official statement (which may include preliminary and final) relating to the Notes. Such official statement shall be delivered in accordance with applicable securities laws.

Section 16. In order to promote compliance with certain federal tax and securities laws relating to the Notes herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Tax-Exempt Financing Compliance Procedure") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Tax-Exempt Financing Compliance Procedure and any similar policy or procedures previously adopted and approved, the Tax-Exempt Financing Compliance Procedure shall control.

Section 17. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Notes, a continuing disclosure undertaking in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule") in such form as determined necessary and appropriate by such Authorized Officer (the "Continuing Disclosure Undertaking") and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Note (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary

and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section, and under the Continuing Disclosure Undertaking.

Section 18. This Ordinance shall be published in pamphlet form as provided by law. This Ordinance shall take effect immediately upon its publication in pamphlet form.

PASSED AND APPROVED this 14th day of December, 2022

Mayor

City Clerk

[SEAL]

NOTICE OF PUBLICATION
OF ORDINANCE NO. 1424
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7:00 o'clock p.m. on December 14, 2022, there was passed and adopted Ordinance No. 1424 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2023, OF THE CITY OF DAVID CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION ONE HUNDRED THOUSAND DOLLARS (\$2,100,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF CONSTRUCTING STREET IMPROVEMENTS IN Street Improvement District No. 2022-4, WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 2022-1, AND SEWER IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2022-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS AND PAYING COSTS OF ISSUANCE; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of David City, Nebraska.

City Clerk

[SEAL]

Publish One Time: December 29, 2022

**Policy and Procedures
Federal Tax Law and Disclosure Requirements for
Tax-exempt Bonds and/or Tax Advantaged Bonds**

ISSUER NAME: The City of David City, in the State of Nebraska
COMPLIANCE OFFICER (BY TITLE): City Treasurer

POLICY

It is the policy of the Issuer identified above (the “Issuer”) to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds (or as tax credit, direct pay subsidy or other tax-advantaged bonds, as applicable) to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments or tax credits associated with its bonds issued as tax advantaged bonds are received in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

PROCEDURES

Compliance Officer. Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the “Compliance Officer”). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

Training. The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website [“EMMA”] at <http://www.emma.msrb.org>, or elsewhere).

Compliance Review. A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer’s annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

Scope of Review.

Document Review. At the compliance review, the following documents (the “Bond Documents”) shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the “Authorizing Proceedings”),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the “Tax Documents”):

- (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
 - (ii) Form 8038 series filed with the Internal Revenue Service;
 - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
 - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
 - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
 - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

Use and Timely Expenditure of Bond Proceeds. Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

Arbitrage Yield Restrictions and Rebate Matters. The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

Continuing Disclosure. Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

Mayor Zavodny stated that the next item on the agenda was discussion/action concerning hiring a code enforcement officer.

Council member Jessica Miller stated that she would like to see the City hire a person to help enforce Ordinances.

Discussion followed.

Council member Jessica Miller made a motion to advertise for a code enforcement officer for four weeks. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass & adopt Ordinance No. 1409 on 3rd & Final reading annexing the Newsom and Schmid properties located at 3653 M Road, Part of the East half of Section 13, Part of the Southeast Quarter of Section 12, Part of the Northeast quarter of Section 24, All in Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, as legally described below on 3rd & Final reading, to wit, PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2631.23 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE

N00°00'34"W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2634.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE NORTHERLY EXTENSION OF SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 37; THENCE N89°56'25"E ON SAID NORTH RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1233.68 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S30°24'38"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2762.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°26'22"W ON SAID EAST LINE, A DISTANCE OF 270.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°27'47"W ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2611.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE CONTINUING S00°27'47"W ON THE SOUTHERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 36; THENCE S88°30'33"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2608.32 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING, CONTAINING 283.02 ACRES, MORE OR LESS. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1409

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;

- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) The City has adopted a redevelopment plan for the territory being annexed pursuant to the Nebraska Community Development Law (Nebraska Revised Statutes sections 18-2101, et seq.) authorizing the division of taxes pursuant to section 18-2147 of the Nebraska Revised Statutes to support development and construction of an agricultural processing facility, and as such, Nebraska Revised Statutes section 17-405.01(2) authorizes the City to annex the territory described herein regardless of whether it is urban or suburban in character;
- (f) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (g) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

EXHIBIT "A"

ANNEX 1 – Ordinance No. 1409

PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2631.23 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N00°00'34"W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2634.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE NORTHERLY EXTENSION OF SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 37; THENCE N89°56'25"E ON SAID NORTH RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1233.68 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S30°24'38"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2762.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°26'22"W ON SAID EAST LINE, A DISTANCE OF 270.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°27'47"W ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2611.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE CONTINUING S00°27'47"W ON THE SOUTHERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 36; THENCE S88°30'33"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2608.32 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING, CONTAINING 283.02 ACRES, MORE OR LESS.

ANNEXATION PLAT

CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA

ANNEX 1 (agg annex)

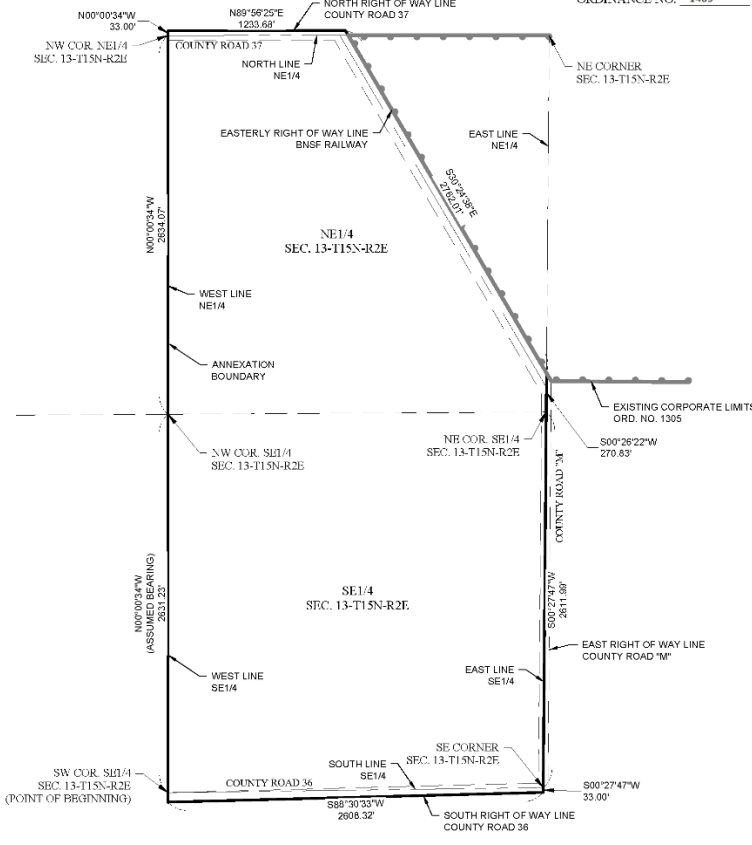
ORDINANCE NO. 1409



PART OF E1/2 SEC. 13
PART SE1/4 SEC. 12, PART NE1/4
SEC. 24-T15N-R2E
BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
CITY OF DAVID CITY,
BUTLER COUNTY, NEBRASKA
ORDINANCE NO. _____

PROJECT NO. RZ200312
DATE 9/11/2022
DRAWN BY BJF
FILED BY BJF/JDB
BUTLER CO. 93
FILE NO. BJF/JDB
DATE FILED 9/11/2022



ANNEXATION DESCRIPTION:

PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13, THENCE N00°00'34\"/>

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

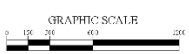
THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

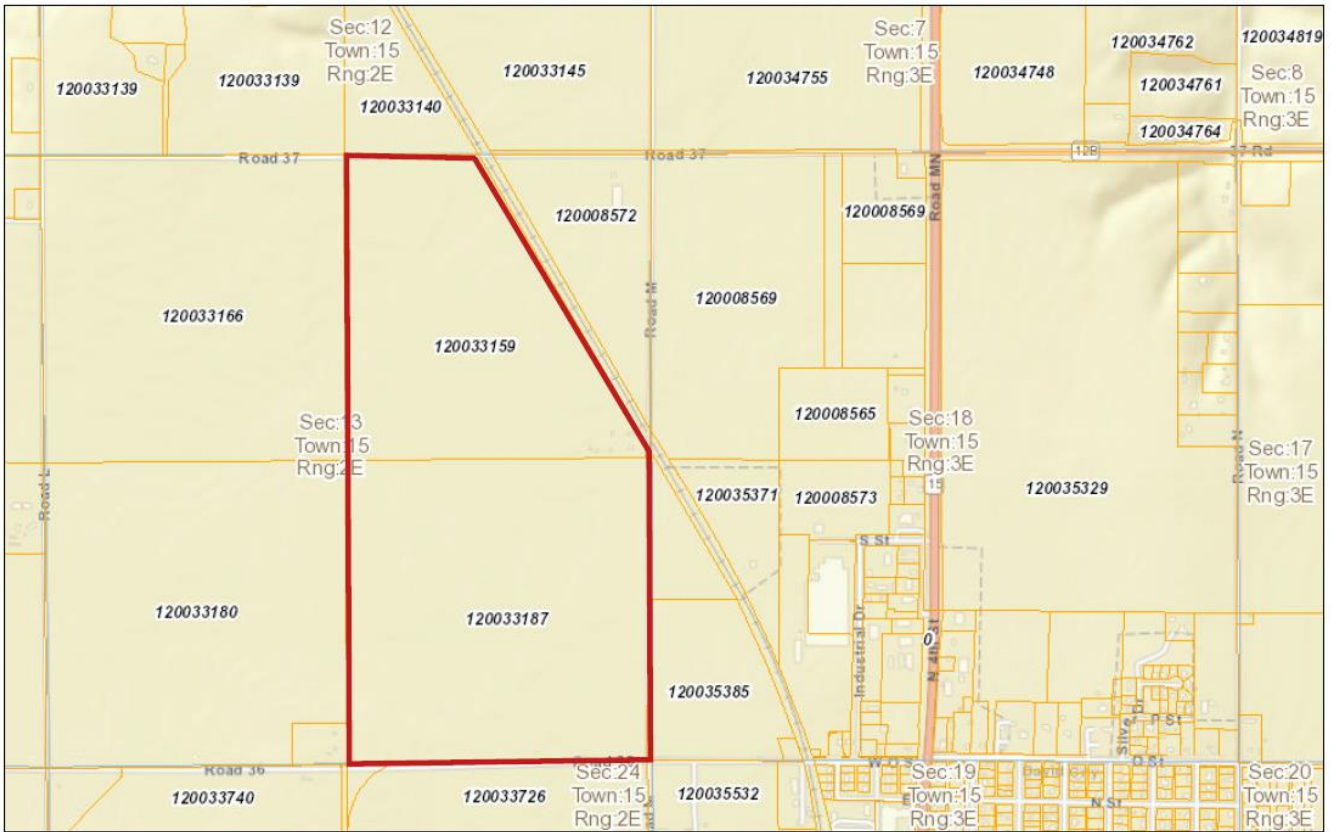
I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____



NOTE: ALL BEARINGS ARE ASSUMED.

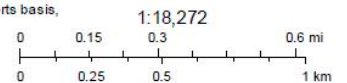
PLAT PREPARED BY: BJS, 1515 G ST., NE, DAVID CITY, NEBRASKA 68801. PHONE: 402.491.1111. FAX: 402.491.1112. WWW.BJSURVEYING.COM



November 15, 2022
09:18 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGOC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks

Council member Jessica Miller made a motion to pass & adopt Ordinance No. 1410 on 3rd & Final reading annexing part of the Alan and Rhonda Zavodny property located in the south half of the southeast quarter of Section 12, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S89°56'25"W (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 1396.92 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE N30°24'47"W ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 765.41 FEET; THENCE N89°56'25"E,

PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 1790.10 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUING N89°56'25"E, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE S00°29'44"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 660.50 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, THENCE WEST ON SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 24.66 ACRES, MORE OR LES. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1410

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands,

streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

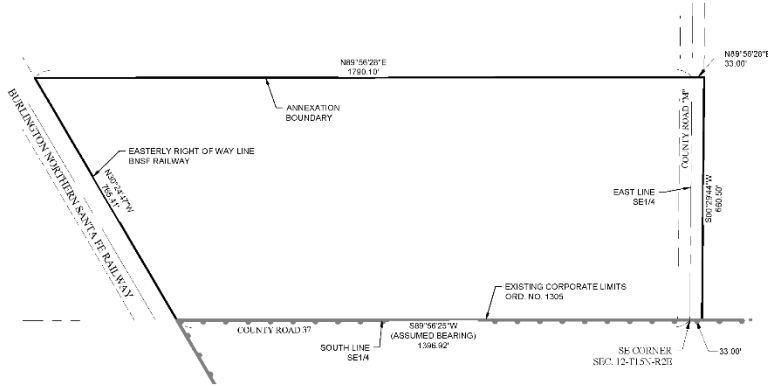
EXHIBIT "A"

ANNEX 2 – Ordinance No. 1410

PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S89°56'25"W (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 1396.92 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE N30°24'47"W ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 765.41 FEET; THENCE N89°56'25"E, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 1790.10 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUING N89°56'25"E, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE S00°29'44"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 660.50 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, THENCE WEST ON SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 24.66 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
ORDINANCE NO. 1410

ANNEX 2



APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

ANNEXATION DESCRIPTION:

PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M. AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S89°58'29\"/>

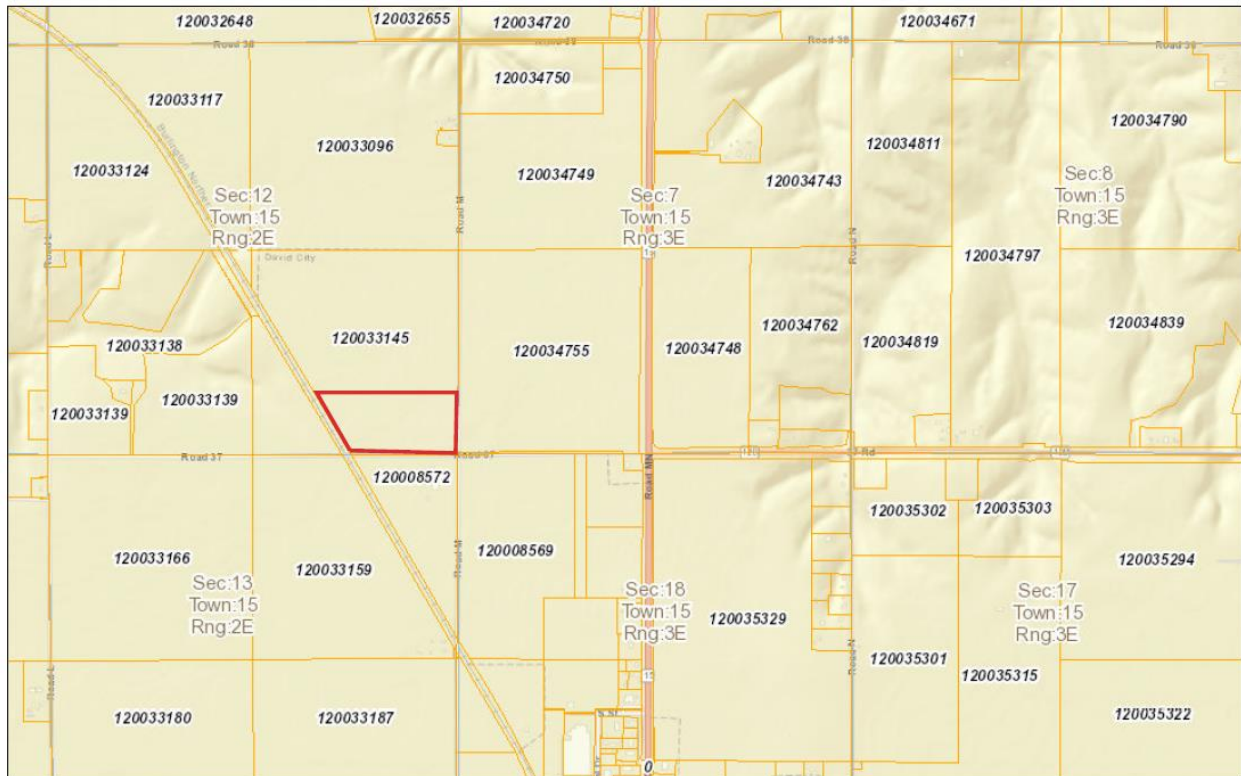


VAN DYKE SURVEY
 BUTLER COUNTY
 NEBRASKA
 R23



PART OF S1/2 SE1/4
 SEC. 12-11-S-R2E
 & PART OF S1/4 SEC. 7-11-S-R3E
 BUTLER COUNTY, NEBRASKA

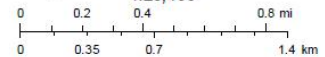
PLAT NO. 221761
 DATE: 10/10/2022
 PROJECT: A014
 FILE NO: 2022-09
 RECD BY: BUTLER CO. SO
 RECD TIME: BLP
 PLAT NO. 221761



November 15, 2022 09:26 AM DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:25,496

- Parcels
- Sections



Butler County
gWorks

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Council member Pat Meysenburg made a motion to pass & adopt Ordinance No. 1411 on 3rd & Final reading annexing the McLaughlin, Holoubek, Callaway Rolloffs, LLC and Kobza and part of Burlington Northern railroad properties located in part of the SW quarter of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE S89°49'04"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 1342.17 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE NORTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 685 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE N00°14'57"W ON SAID WEST LINE, A DISTANCE OF 1960.68 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE S89°52'10"W ON THE NORTH LINE OF SAID

SOUTHWEST QUARTER, A DISTANCE OF 1133.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°12'02"W ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2612.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LESS. DISTANCE OF 2612.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LES. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1411

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

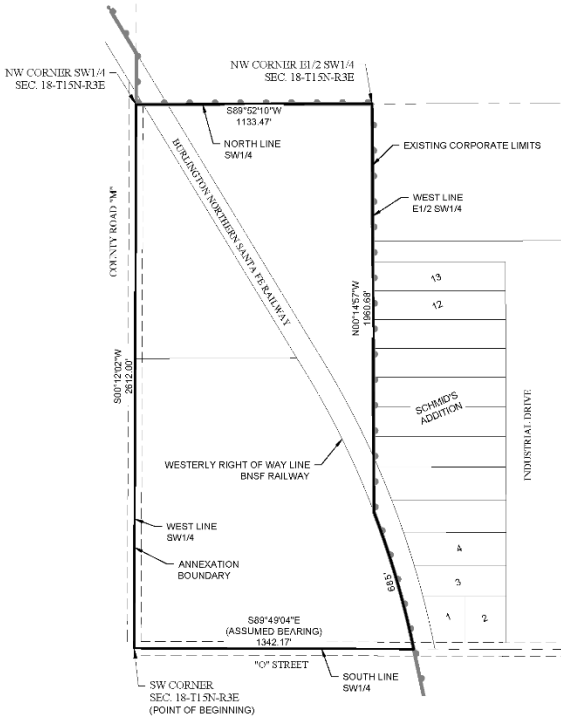
EXHIBIT "A"

ANNEX 3 – Ordinance No. 1411

PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE S89°49'04"E (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, A DISTANCE OF 1342.17 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE NORTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 685 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE N00°14'57"W ON SAID WEST LINE, A DISTANCE OF 1960.68 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE S89°52'10"W ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1133.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°12'02"W ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2612.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70.2 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1411

ANNEX 3



ANNEXATION DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P. M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE S89°49'04\"/>

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

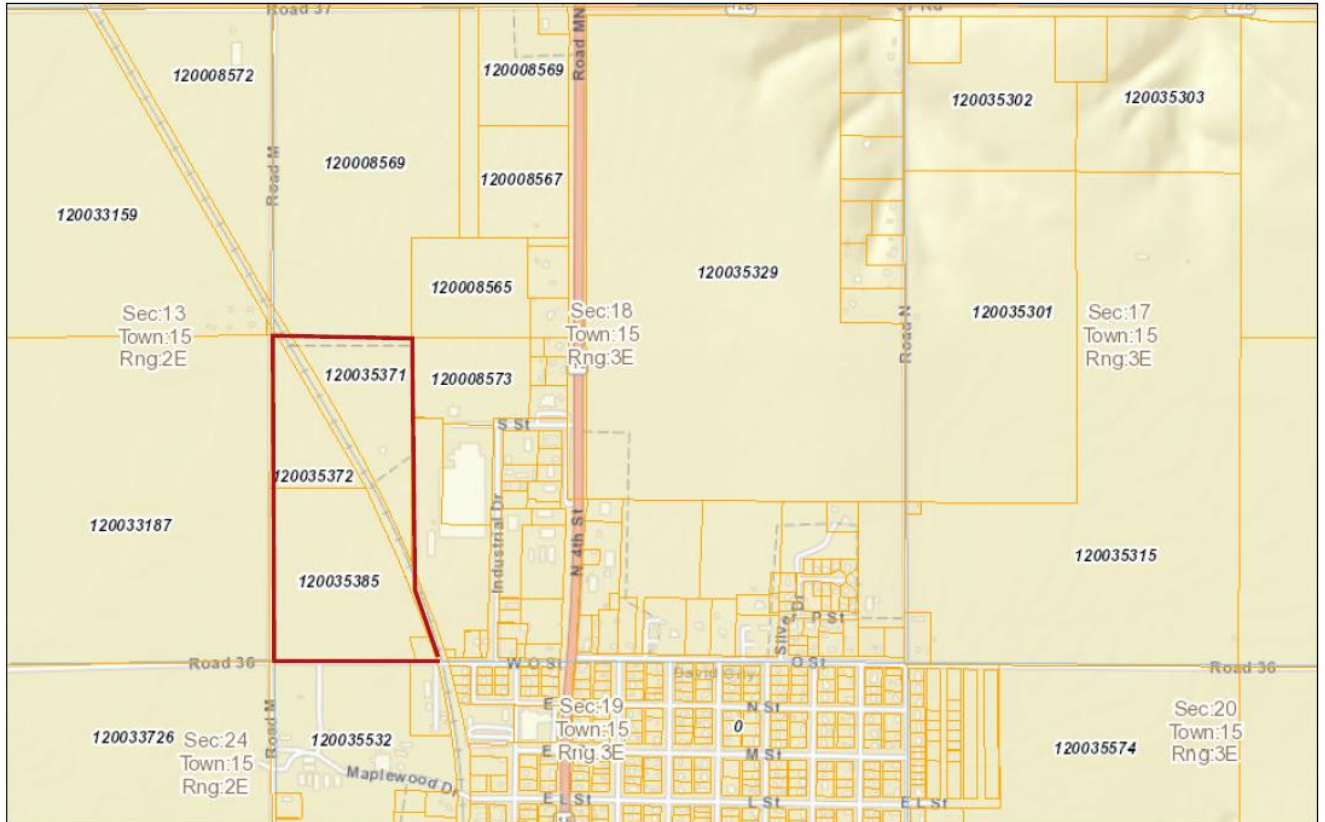
BRIAN J. FORAL, LS 588 _____ DATE _____



PART OF THE SW1/4
 SEC. 18-T15N-R3E
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

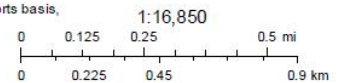
PROJECT NO. 221781
 DATE 9/23/2022
 DRAWN BY AVH
 FILE NAME avh-3.dwg
 FIELD BOOK BUTLER CO. 93
 FIELD CORNER BJF
 SURVEY FILE NO. _____



November 15, 2022
09:29 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Council member Pat Meysenburg made a motion to pass & adopt Ordinance No. 1412 on 3rd & Final reading annexing the Butler County Ag Society, AC Storage, LLC, and Butler County Noxious Weed properties located in part of the Northwest quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2642.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE S88°27'55"E ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1342.20 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1052.13 FEET TO THE NORTHEAST

CORNER OF LOT 1, PERKINS AND THORPE PLACE; THENCE N89°24'49"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S00°02'09"W ON THE WEST LINE OF LOTS 1 AND 2 OF SAID PERKINS AND THORPE PLACE, A DISTANCE OF 523.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N87°52'00"W ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 92, PAGE 986, A DISTANCE OF 466.44 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'24"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 1080.21 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N88°12'34"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 519.57 FEET TO THE POINT OF BEGINNING. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1412

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and

- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

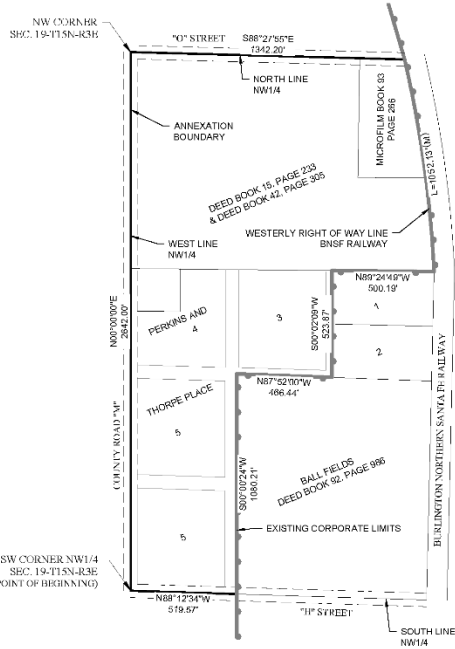
EXHIBIT "A"

ANNEX 4 – Ordinance No. 1412

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2642.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE S88°27'55"E ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1342.20 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1052.13 FEET TO THE NORTHEAST CORNER OF LOT 1, PERKINS AND THORPE PLACE; THENCE N89°24'49"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S00°02'09"W ON THE WEST LINE OF LOTS 1 AND 2 OF SAID PERKINS AND THORPE PLACE, A DISTANCE OF 523.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N87°52'00"W ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 92, PAGE 986, A DISTANCE OF 466.44 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'24"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 1080.21 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N88°12'34"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 519.57 FEET TO THE POINT OF BEGINNING, CONTAINING 58.9 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1412

ANNEX 4



ANNEXATION DESCRIPTION:

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P. M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE $N00^{\circ}00'00''E$ (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2842.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE $S88^{\circ}27'55''E$ ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1342.20 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1052.13 FEET TO THE NORTHEAST CORNER OF LOT 1, PERKINS AND THORPE PLACE; THENCE $N89^{\circ}24'49''W$ ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE $S00^{\circ}02'09''W$ ON THE WEST LINE OF LOTS 1 AND 2 OF SAID PERKINS AND THORPE PLACE, A DISTANCE OF 523.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE $N87^{\circ}52'00''W$ ON THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 92, PAGE 986, A DISTANCE OF 466.44 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE $S00^{\circ}09'24''W$ ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 1000.21 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE $N88^{\circ}12'34''W$ ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 519.57 FEET TO THE POINT OF BEGINNING, CONTAINING 58.9 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL LS 588 _____ DATE _____

PART OF THE NW1/4
 SEC. 19-T15N-R3E
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

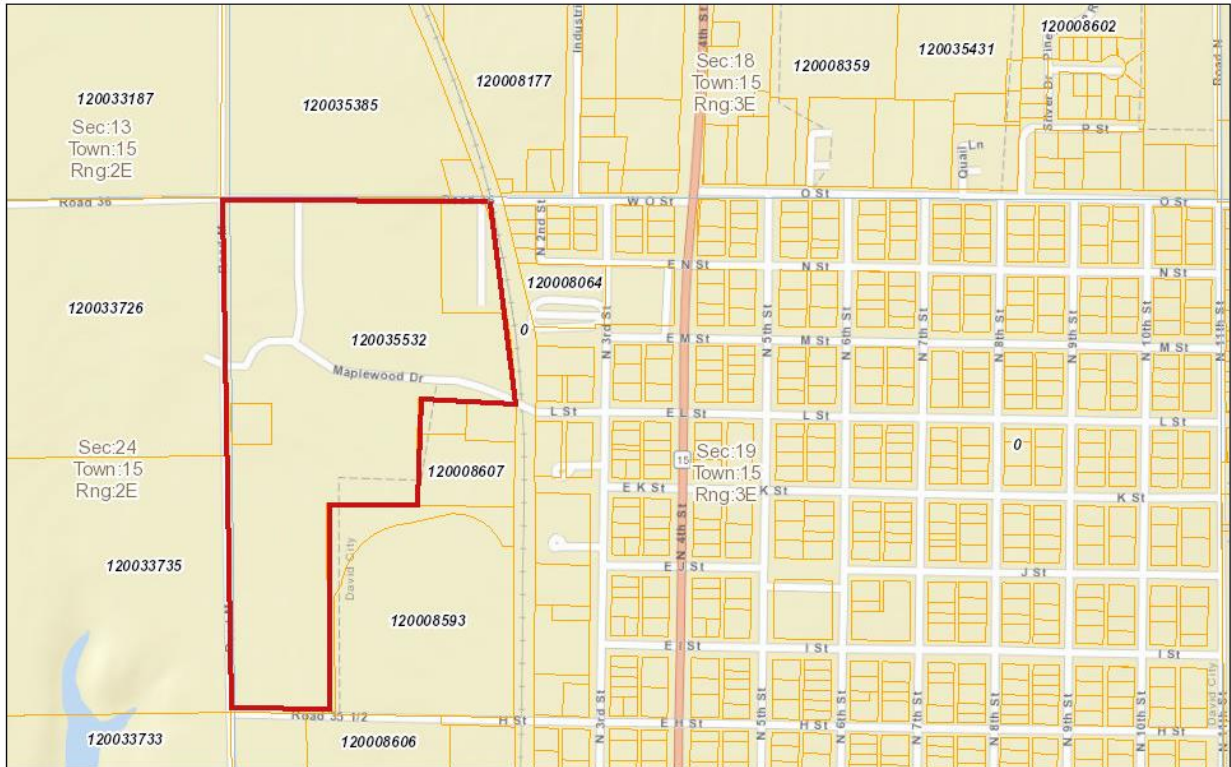
VICINITY SKETCH
 BUTLER COUNTY
 NEBRASKA
 R3E



PROJECT NO. 221761
 DATE 6/23/2022
 DRAWN BY AWB
 FILE NAME 221761.dwg
 PROJECT NO. BUTLER CO. 93
 FIELD NO. B.J.F.
 SURVEYOR'S LICENSE

1 OF 1

P:\Projects\2022\15-03-2022\15-03-2022.dwg (15-03-2022.dwg) (15-03-2022.dwg) (15-03-2022.dwg)

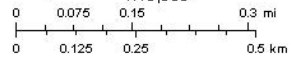


November 15, 2022
13:50 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:10,030

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks

Council member Bruce Meysenburg made a motion to pass & adopt Ordinance No. 1413 on 3rd & Final reading (as amended) annexing part of the Mark & Willow Holoubek property and all of the Russ & Loretta Daro property located in part of the east half of the SE quarter of Section 24, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1771.39 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N89°33'50"E, PARALLEL WITH AND 300.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 740.00 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250.00 FEET DISTANT FROM

SAID EAST LINE, A DISTANCE OF 388.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 740.47 FEET; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 1062.28 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°44'12"E ON SAID NORTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 33.51 ACRES, MORE OR LESS. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1413

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands,

streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

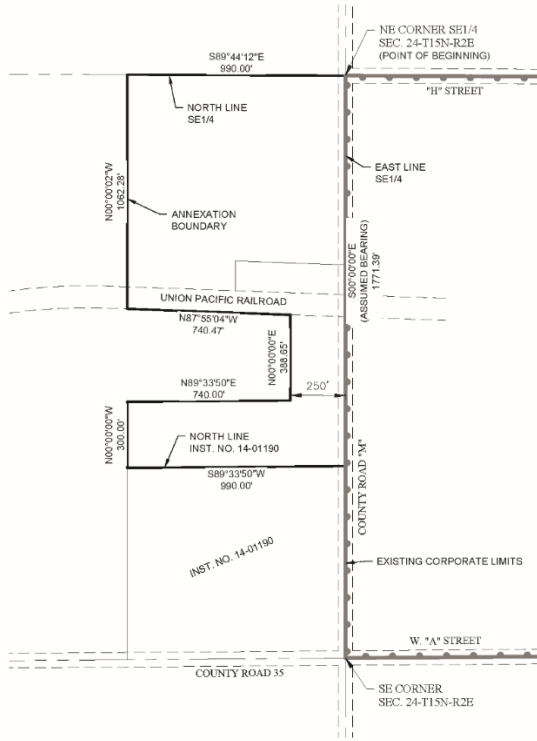
EXHIBIT "A"

ANNEX 5A – Ordinance No. 1413 (12-05-2022):

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1771.39 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N89°33'50"E, PARALLEL WITH AND 300.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 740.00 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 388.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 740.47 FEET; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 1062.28 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°44'12"E ON SAID NORTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 33.51 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1413

ANNEX 5A (12-5-2022)



ANNEXATION DESCRIPTION:

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P. M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24, THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1771.39 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N89°33'50"E, PARALLEL WITH AND 300.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 740.00 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 388.85 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 740.47 FEET; THENCE N00°00'00"W, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 1062.28 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE S89°44'12"E ON SAID NORTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 33.51 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

PART OF THE SE 1/4
 SEC. 24-T15N-R2E
 BUTLER COUNTY, NEBRASKA

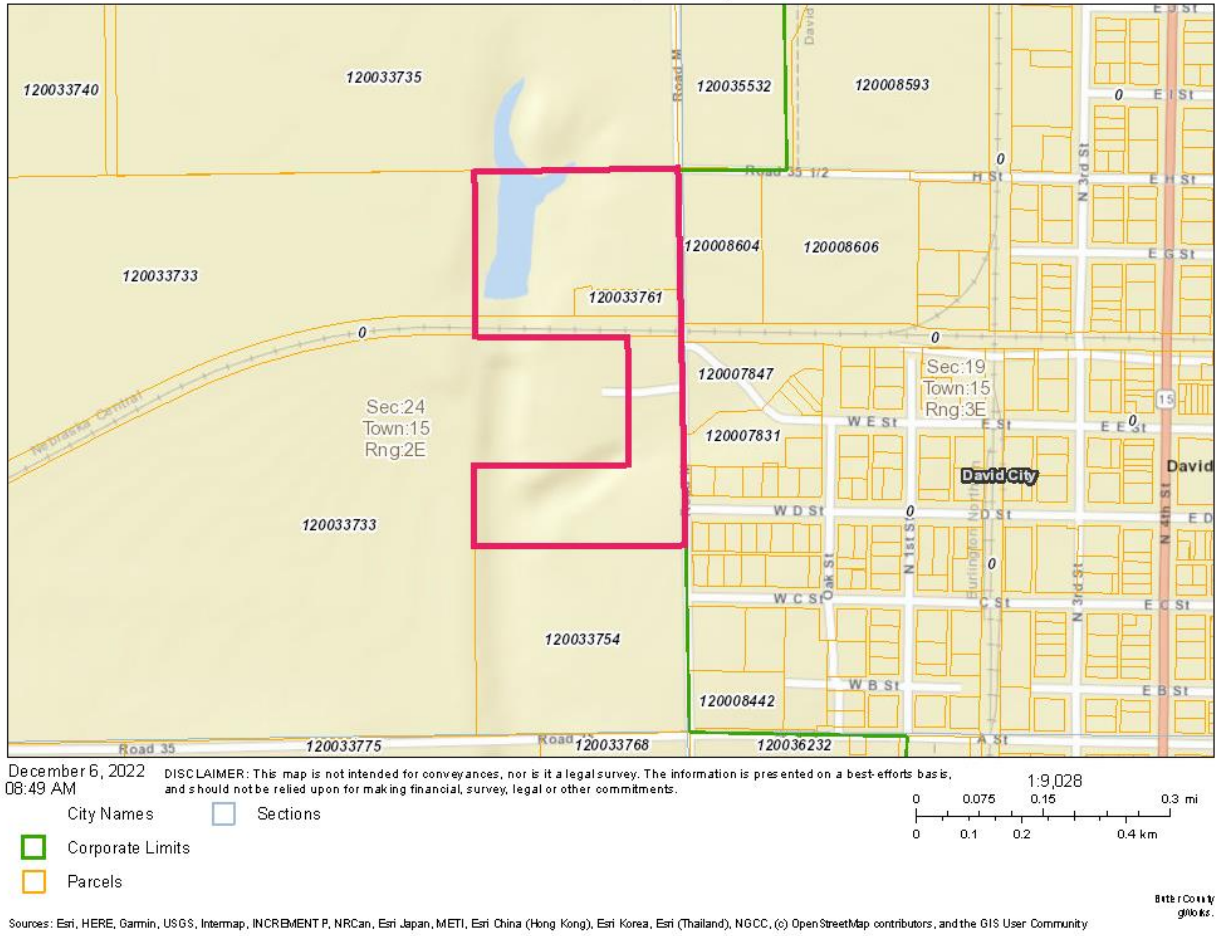
ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

VICINITY SKETCH



PROJECT NO. 221761
 DATE 12/5/2022
 DRAWN BY AWH
 FILE NAME annex5a.dwg
 PLOT FILE BUTLER CO. 93
 FIELD CREW BJF
 SURVEY FILE NO.

F:\Survey\2022\101-01-David City, Nebraska\Plat\Survey\Annexation\annex5a.dwg, 12/05/2022, 10:22 AM



Council member Jessica Miller made a motion to pass & adopt Ordinance No. 1414 on 3rd & Final reading annexing the Amy Slama (J.M. & Delores Lanspa) property located in part of the SE quarter of the SE quarter of Section 24, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N00°00'00"E (ASSUMED BEARING) ON THE EAST (Continued) LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 870.34 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°33'50"E ON SAID SOUTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING,

CONTAINING 19.78 ACRES, MORE OR LESS. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0

ORDINANCE NO. 1414

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

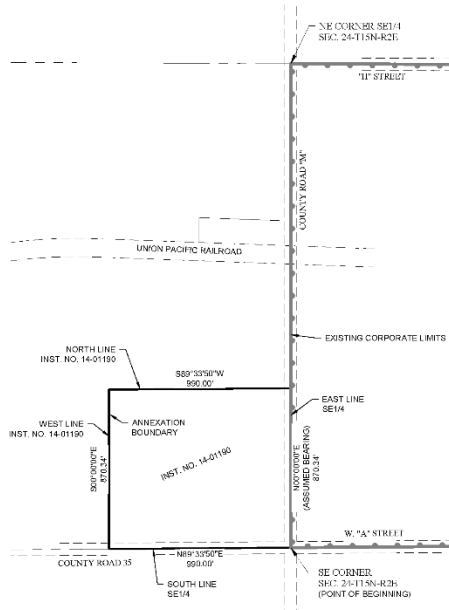
EXHIBIT "A"

ANNEX 5B – Ordinance No. 1414

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 870.34 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°33'50"E ON SAID SOUTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.78 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1414

ANNEX 5B



ANNEXATION DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 14-01190; THENCE S89°33'50"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, PARALLEL WITH AND 990.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 870.34 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N69°33'50"E ON SAID SOUTH LINE, A DISTANCE OF 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.76 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. PORALL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. PORALL LS 588 DATE _____

VICINITY SKETCH

BUTLER COUNTY
NEBRASKA

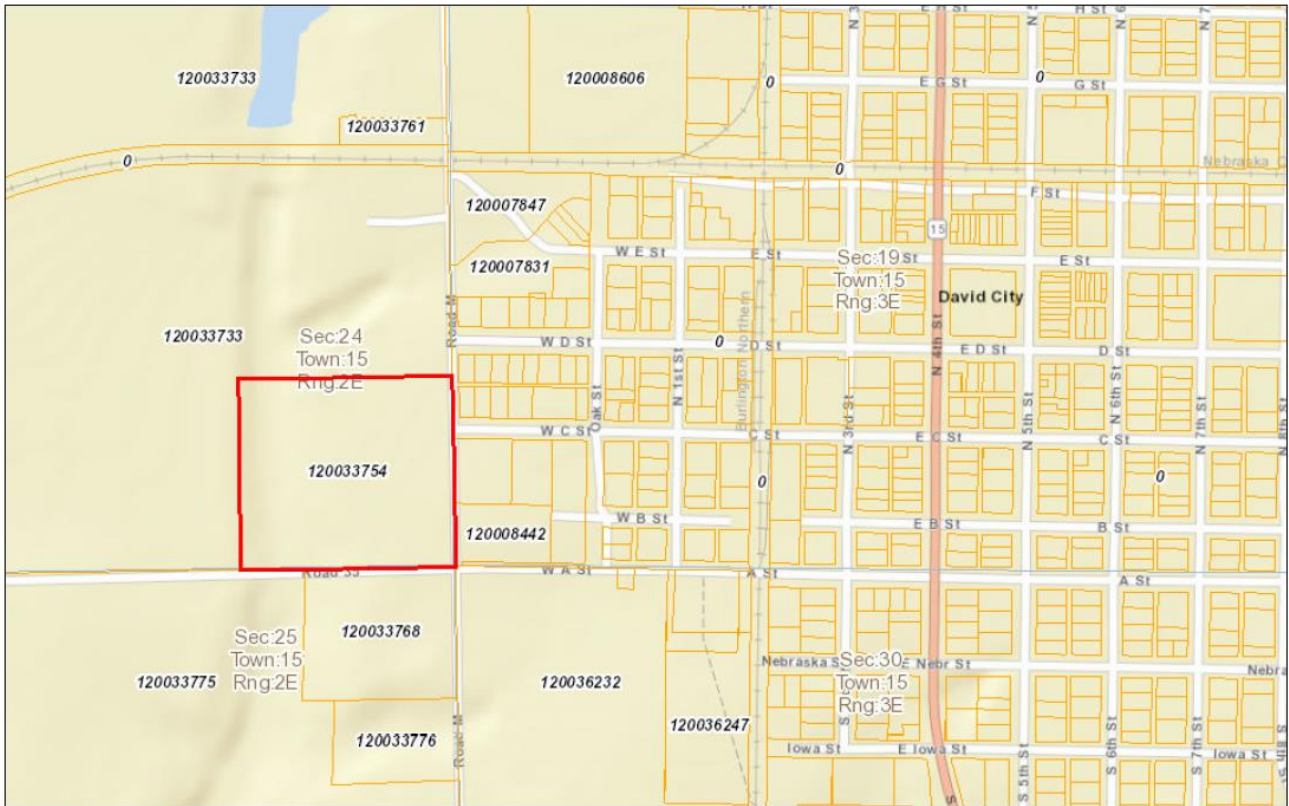


PART OF THE SE1/4 SE1/4
SEC. 24-T15N-R2E
BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
CITY OF DAVID CITY,
BUTLER COUNTY, NEBRASKA
ORDINANCE NO. _____

TITLE: 221781
DATE: 05/27/2022
FILED BY: AJH
DRAWN BY: BJB
SCALE: AS SHOWN
SHEET NO. 1 OF 1

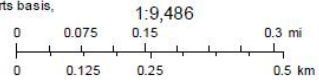
PLAT PREPARED BY: B. J. PORALL, REGISTERED LAND SURVEYOR, 1000 S. 10TH STREET, DAVID CITY, NEBRASKA 68801



November 15, 2022
09:36 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks

Council member Jessica Miller made a motion to pass & adopt Ordinance No. 1415 on 3rd & Final reading annexing the Aquinas High School, and the City of David City properties located in part of the south half of the SW quarter of Section 29, part of SE quarter of the SW quarter and the SE quarter of Section 30, part of the East half of the West half of Section 31, all of the West half of Section 32, all in Township 15 North, Range3 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 30, PART OF THE NORTHWEST QUARTER AND PART OF THE EAST HALF OF SECTION 31, PART OF THE WEST HALF OF SECTION 32, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 14 NORTH RAGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE N01°21'15"W (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 1331.48 FEET TO THE NORTHEAST

CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE N89°45'27"W ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1333.36 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN FILMBOOK 08-871; THENCE N34°22'45"W ON SAID EASTERLY LINE, A DISTANCE OF 2439.79 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N01°57'25"W ON SAID EAST LINE, A DISTANCE OF 1987.43 FEET TO THE NORTHEAST CORNER OF SAID SECTION 31; THENCE N00°38'10"W ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 34; THENCE N89°31'03"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1320.98 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N00°51'36"W ON SAID EAST LINE, A DISTANCE OF 1599.03 FEET TO THE SOUTH LINE OF THE NORTH 1000 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE N89°42'59"W ON SAID SOUTH LINE, A DISTANCE OF 1236.54 FEET TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 15; THENCE N89°42'59"W ON THE WESTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 169.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 15; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 10 COURSES: S00°52'19"E, 338.00 FEET; S09°47'51"E, 202.41 FEET; N89°07'41"E, 5.00 FEET; S01°05'11"E, 424.70 FEET; S31°54'27"E, 70.17 FEET; S00°26'21"E, 605.47 FEET; S23°40'48"E, 67.15 FEET; S01°46'33"E 150.82 FEET; S09°31'10"W, 101.98 FEET; S02°02'01"E, 2357.08 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE S89°44'34"E ON SAID SOUTH LINE, A DISTANCE OF 76.60 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE S89°38'52"E ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1883.02 FEET TO THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 ON A SURVEY BY TIMOTHY J. ROBINSON LS-625 DATED 3/13/2006; THENCE S34°22'45"E ON SAID WESTERLY LINE, A DISTANCE OF 1422.81 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32; THENCE S01°57'26"E ON SAID WEST LINE, A DISTANCE OF 160.45 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.50 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 33; THENCE S89°41'30"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2639.51 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N00°18'30"E ON SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 342.79 ACRES, MORE OR LESS. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1415

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

EXHIBIT "A"

ANNEX 6 – Ordinance No. 1415 - (12-05-2022)

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 30, PART OF THE NORTHWEST QUARTER AND PART OF THE EAST HALF OF SECTION 31, PART OF THE WEST HALF OF SECTION 32, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 14 NORTH RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE N01°21'15"W (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 1331.48 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE N89°45'27"W ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1333.36 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN FILMBOOK 08-871; THENCE N34°22'45"W ON SAID EASTERLY LINE, A DISTANCE OF 2439.79 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N01°57'25"W ON SAID EAST LINE, A DISTANCE OF 1987.43 FEET TO THE NORTHEAST CORNER OF SAID SECTION 31; THENCE N00°38'10"W ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 34; THENCE N89°31'03"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1320.98 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N00°51'36"W ON SAID EAST LINE, A DISTANCE OF 1599.03 FEET TO THE SOUTH LINE OF THE NORTH 1000 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE N89°42'59"W ON SAID SOUTH LINE, A DISTANCE OF 1236.54 FEET TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 15; THENCE N89°42'59"W ON THE WESTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 169.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 15; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 10 COURSES: S00°52'19"E, 338.00 FEET; S09°47'51"E, 202.41 FEET; N89°07'41"E, 5.00 FEET; S01°05'11"E, 424.70 FEET; S31°54'27"E, 70.17 FEET; S00°26'21"E, 605.47 FEET; S23°40'48"E, 67.15 FEET; S01°46'33"E 150.82 FEET; S09°31'10"W, 101.98 FEET; S02°02'01"E, 2357.08 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE S89°44'34"E ON SAID SOUTH LINE, A DISTANCE OF 76.60 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE S89°38'52"E ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1883.02 FEET TO THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 ON A SURVEY BY TIMOTHY J. ROBINSON LS-625 DATED 3/13/2006; THENCE S34°22'45"E ON SAID WESTERLY LINE, A DISTANCE OF 1422.81 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32; THENCE S01°57'26"E ON SAID WEST LINE, A DISTANCE OF 160.45 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.50 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S01°26'32"E ON

THE WEST LINE OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 33; THENCE S89°41'30"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2639.51 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N00°18'30"E ON SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 342.79 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1415

ANNEX 6 (12-5-2022)



ANNEXATION DESCRIPTION:

ANNEXATION DESCRIPTION:

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 30, PART OF THE NORTHWEST QUARTER AND PART OF THE EAST HALF OF SECTION 31, PART OF THE WEST HALF OF SECTION 32, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 14 NORTH RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, THENCE N01°21'15"W (ASSUMED BEARING) ON THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 1331.48 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE N88°45'27"W ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1333.38 FEET TO THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN FILMBOOK 08-871; THENCE N34°22'45"W ON SAID EASTERLY LINE, A DISTANCE OF 2439.79 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N01°57'25"W ON SAID EAST LINE, A DISTANCE OF 1907.43 FEET TO THE NORTHEAST CORNER OF SAID SECTION 31; THENCE N00°38'10"W ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 34; THENCE N89°31'03"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1320.98 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 30 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.; THENCE N00°51'36"W ON SAID EAST LINE, A DISTANCE OF 1599.03 FEET TO THE SOUTH LINE OF THE NORTH 1000 FEET OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE N89°42'59"W ON SAID SOUTH LINE, A DISTANCE OF 1236.54 FEET TO THE EAST RIGHT OF WAY LINE OF HIGHWAY 15; THENCE N89°42'59"W ON THE WESTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 169.48 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 15; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING 10 COURSES: S00°52'19"E, 338.00 FEET; S09°47'51"E, 202.41 FEET; N89°07'41"E, 5.00 FEET; S01°05'11"E, 424.70 FEET; S31°54'27"W, 70.17 FEET; S00°26'21"E, 605.47 FEET; S03°49'48"E, 87.15 FEET; S01°48'33"E, 150.82 FEET; S09°31'10"W, 101.98 FEET; S02°02'01"E, 2357.08 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE S89°44'34"E ON SAID SOUTH LINE, A DISTANCE OF 76.60 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE S89°38'52"E ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1093.02 FEET TO THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 ON A SURVEY BY TIMOTHY J. ROBINSON L9-625 DATED 3/13/2008; THENCE S34°22'45"E ON SAID WESTERLY LINE, A DISTANCE OF 1422.81 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32; THENCE S01°57'26"E ON SAID WEST LINE, A DISTANCE OF 160.45 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.50 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S01°26'32"E ON THE WEST LINE OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SIXTH P.M., A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 33; THENCE S89°41'30"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2639.51 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N00°18'30"E ON SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 342.79 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

SURVEYOR'S STATEMENT:

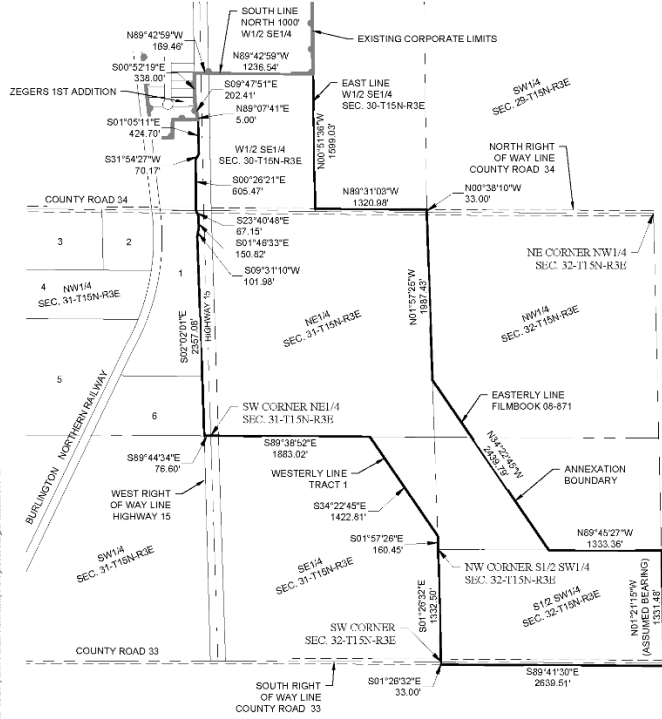
I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, L5 388 DATE _____

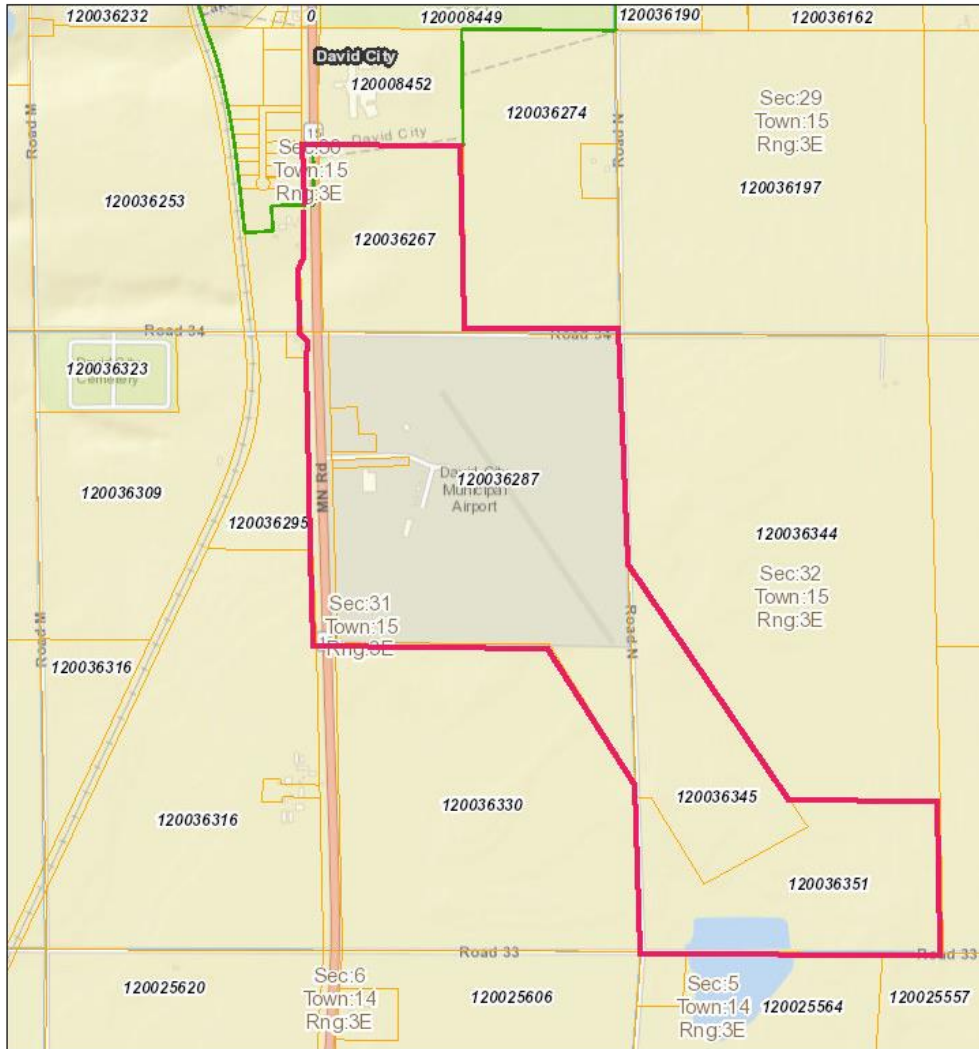
S1/2 SEC. 30, S1/2 SW1/4 SEC. 29
 NW1/4 & E1/2 SEC. 31, W1/2 SEC. 32
 T15N-R3E & N1/2 SEC. 5
 T14N-R3E OF THE SIXTH P.M.,
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

PROJECT NO. 221781
 DATE 12/6/2022
 DRAWN BY AMH
 FILE NAME annex6.dwg
 PLOT DATE 12/6/2022
 PLOT BY B.J.F.
 SURVEY FILE NO.



PLAT ANNEXATION NO. 1415, DATED 12/6/2022, DRAWN BY AMH, FILE NAME annex6.dwg, PLOT DATE 12/6/2022, PLOT BY B.J.F.

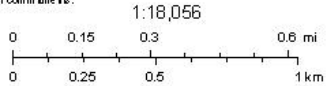


December 6, 2022

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on an asbest available basis, and should not be relied upon for making financial, survey, legal or other commitments.

Legend

- City Names
- Corporate Limits
- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Taiwan), NGCC, © OpenStreetMap contributors, and the GIS User Community

Blair County
 gWorks

Council member Pat Meysenburg made a motion to pass & adopt Ordinance No. 1416 on 3rd & Final reading annexing the Charles & Patricia Oborny, and John Trawicke, and City of David City properties located in part of the SW quarter of the NW quarter and part of the NW quarter of the SW quarter, all in Section 20, Township 15 North, Range 3 East of the 6th P.M.,

Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE N00°34'38"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1006.45 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-01091; THENCE EASTERLY ON THE SOUTHERLY LINE (Continued) OF SAID TRACT THE FOLLOWING FIVE COURSES: S89°52'40"E, 384.90 FEET; S01°22'00"E, 144.13 FEET; S89°04'33"E, 170.00 FEET; S02°09'54"W, 49.50 FEET; S89°46'57"E, 694.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S00°34'36"E, A DISTANCE OF 423.60 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-00893; THENCE S00°34'36"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°39'36"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 61.40 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 19-01821; THENCE S89°42'36"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 149.52 FEET; THENCE N89°39'36"W, PARALLEL WITH AND 149.5 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 878.05 FEET TO THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2018-01180 THENCE N00°42'36"W ON SAID EAST LINE, A DISTANCE OF 149.53 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE N89°39'36"W ON SAID SOUTH LINE, A DISTANCE OF 310.05 FEET TO THE POINT OF BEGINNING, CONTAINING 28.25 ACRES, MORE OR LESS. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1416

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and

contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");

- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

EXHIBIT "A"

ANNEX 7 – Ordinance No. 1416 (12-05-2022)

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE $N00^{\circ}34'38''W$ (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1006.45 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-01091; THENCE EASTERLY ON THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING FIVE COURSES: $S89^{\circ}52'40''E$, 384.90 FEET; $S01^{\circ}22'00''E$, 144.13 FEET; $S89^{\circ}04'33''E$, 170.00 FEET; $S02^{\circ}09'54''W$, 49.50 FEET; $S89^{\circ}46'57''E$, 694.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE $S00^{\circ}34'36''E$, A DISTANCE OF 423.60 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-00893; THENCE $S00^{\circ}34'36''E$ ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE $N89^{\circ}39'36''W$ ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 61.40 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 19-01821; THENCE $S89^{\circ}42'36''E$ ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 149.52 FEET; THENCE $N89^{\circ}39'36''W$, PARALLEL WITH AND 149.5 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 878.05 FEET TO THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2018-01180 THENCE $N00^{\circ}42'36''W$ ON SAID EAST LINE, A DISTANCE OF 149.53 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE $N89^{\circ}39'36''W$ ON SAID SOUTH LINE, A DISTANCE OF 310.05 FEET TO THE POINT OF BEGINNING, CONTAINING 28.25 ACRES, MORE OR LESS.

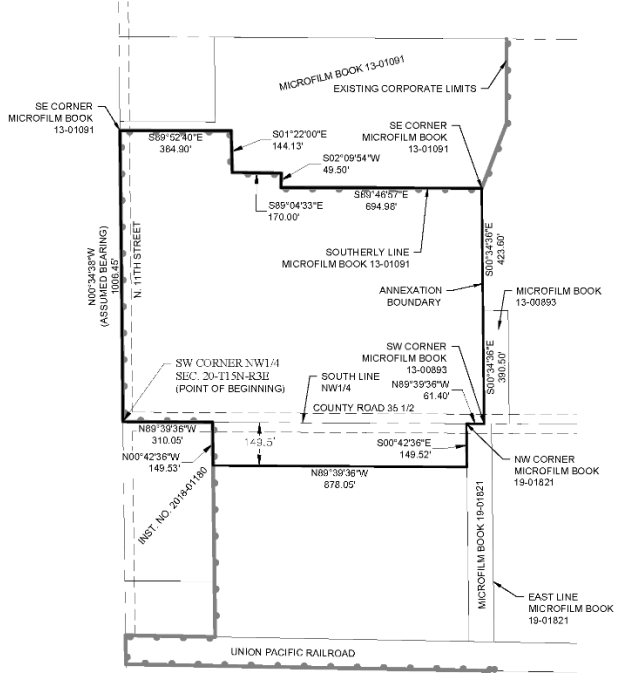
ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1416

ANNEX 7 (12-05-2022)



PART OF THE SW 1/4 NW 1/4
 PART OF THE NW 1/4 SW 1/4
 SEC. 20-T15N-R3E OF THE SIXTH P.M.
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____



ANNEXATION DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE N00°34'38"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1008.45 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-01091; THENCE EASTERLY ON THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING FIVE COURSES: S89°52'40"E, 384.90 FEET; S01°22'00"E, 144.13 FEET; S89°04'33"E, 170.00 FEET; S02°09'54"W, 49.50 FEET; S85°46'57"E, 694.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S00°34'36"E, A DISTANCE OF 423.60 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 13-00893; THENCE S00°34'36"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 390.50 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°39'36"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 61.40 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN MICROFILM BOOK 19-01821; THENCE S89°42'38"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 149.52 FEET; THENCE N89°39'36"W, PARALLEL WITH AND 149.5 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 678.05 FEET TO THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2018-01180 THENCE N00°42'36"W ON SAID EAST LINE, A DISTANCE OF 149.53 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE N89°39'36"W ON SAID SOUTH LINE, A DISTANCE OF 310.05 FEET TO THE POINT OF BEGINNING, CONTAINING 26.25 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

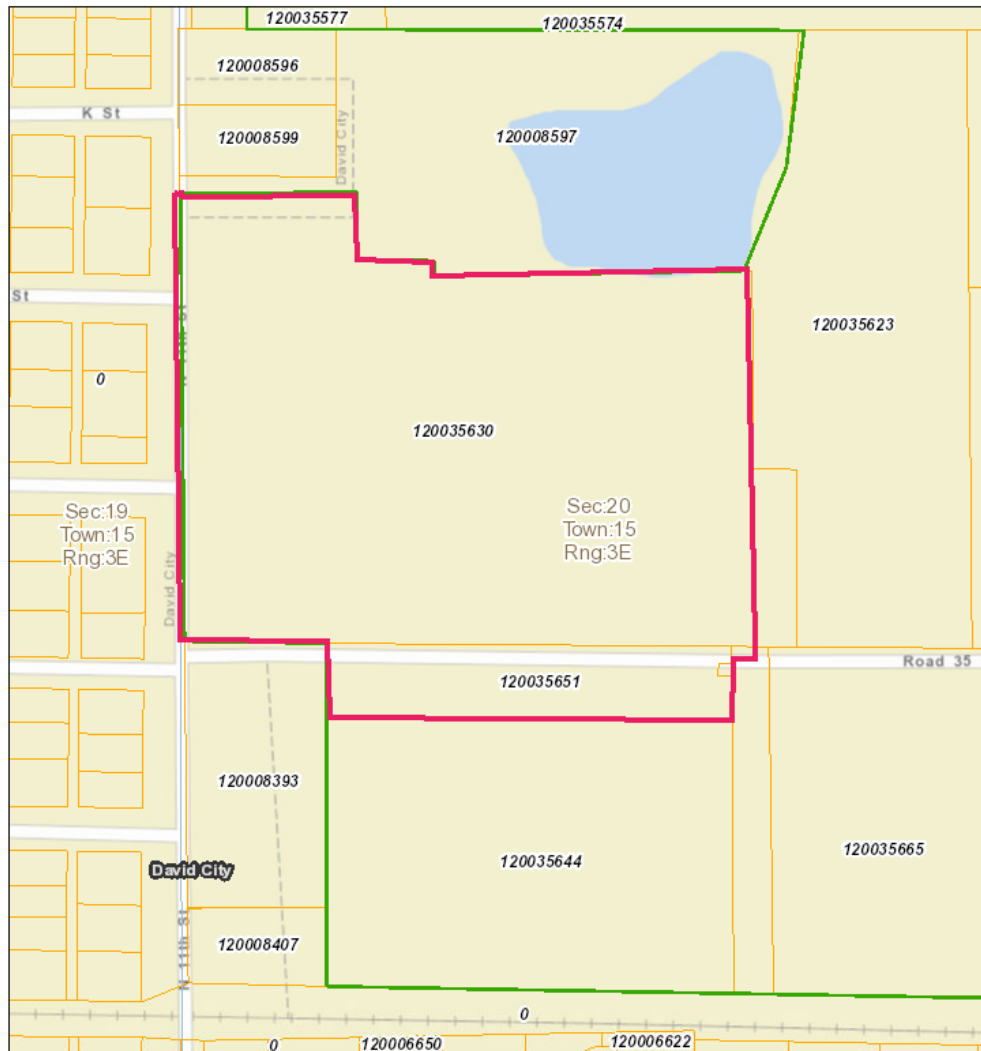
I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 _____ DATE _____

VICINITY SKETCH



PLAT PREPARED BY: BUREAU OF SURVEYING AND MAPPING, STATE OF NEBRASKA, IN 12/05/2022, 15:11 AM

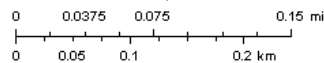


December 6, 2022
Legend

- City Names
- Corporate Limits
- Parcels
- Sections

DISCLAIMER: This map is not intended for conveyance, nor is it a legal survey. The information is presented on an asbest available basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:4,514



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Butler County
gWorks

Council member Pat Meysenburg made a motion to pass & adopt Ordinance No. 1417 on 3rd & Final reading annexing the St Mary's Catholic Church, John & Maureen Coufal and State of Nebraska properties located in part of the SW quarter of the NW quarter of Section 29, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading, to wit, PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M.,

BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 495.44 FEET TO THE SOUTHWEST CORNER OF HILDY ESTATES FIRST ADDITION TO THE CITY OF DAVID CITY; THENCE S88°46'34"E ON THE SOUTH LINE OF SAID HILDY ESTATES FIRST ADDITION, A DISTANCE OF 490.11 FEET TO THE SOUTHEAST CORNER OF SAID HILDY ESTATES FIRST ADDITION; THENCE CONTINUING S88°46'34"E, A DISTANCE OF 259.61 FEET; THENCE S00°00'00"E, A DISTANCE OF 165.00 FEET; THENCE S88°46'34"E, A DISTANCE OF 400.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 330.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N88°46'34"W ON SAID SOUTH LINE, A DISTANCE OF 1149.72 FEET TO THE POINT OF BEGINNING, CONTAINING 11.56 ACRES, MORE OR LESS. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1417

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;

- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

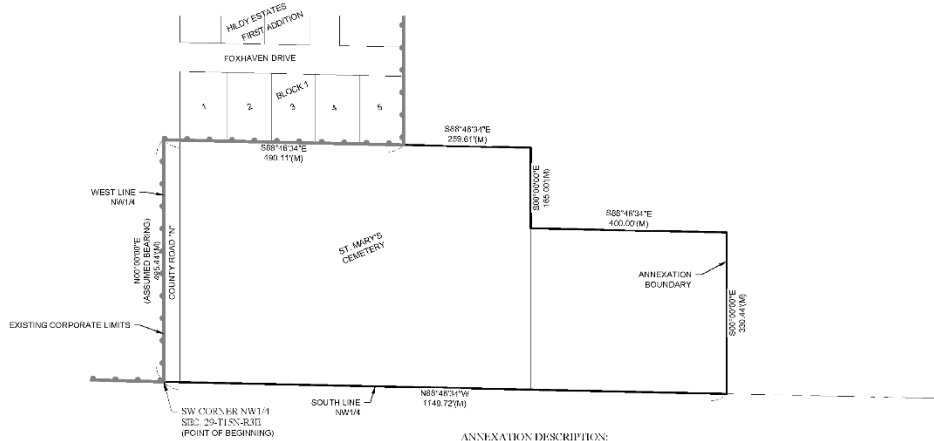
EXHIBIT "A"

ANNEX 9 – Ordinance 1417

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE N00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 495.44 FEET TO THE SOUTHWEST CORNER OF HILDY ESTATES FIRST ADDITION TO THE CITY OF DAVID CITY; THENCE S88°46'34"E ON THE SOUTH LINE OF SAID HILDY ESTATES FIRST ADDITION, A DISTANCE OF 490.11 FEET TO THE SOUTHEAST CORNER OF SAID HILDY ESTATES FIRST ADDITION; THENCE CONTINUING S88°46'34"E, A DISTANCE OF 259.61 FEET; THENCE S00°00'00"E, A DISTANCE OF 165.00 FEET; THENCE S88°46'34"E, A DISTANCE OF 400.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 330.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N88°46'34"W ON SAID SOUTH LINE, A DISTANCE OF 1149.72 FEET TO THE POINT OF BEGINNING, CONTAINING 11.56 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1417

ANNEX 9



PART OF THE SW1/4 NW1/4
 SEC. 28-T15N-R3E
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:
 THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:
 I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 568 _____ DATE _____

ANNEXATION DESCRIPTION:
 PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE S00°00'00"E (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 495.44 FEET TO THE SOUTHWEST CORNER OF HILLY ESTATES FIRST ADDITION TO THE CITY OF DAVID CITY; THENCE S88°48'34"E ON THE SOUTH LINE OF SAID HILLY ESTATES FIRST ADDITION, A DISTANCE OF 480.11 FEET TO THE SOUTHWEST CORNER OF SAID HILLY ESTATES FIRST ADDITION; THENCE CONTINUING S88°48'34"E, A DISTANCE OF 288.01 FEET; THENCE S00°00'00"E, A DISTANCE OF 185.00 FEET; THENCE S88°48'34"E, A DISTANCE OF 400.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 330.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE N88°48'31"W ON SAID SOUTH LINE, A DISTANCE OF 1140.72 FEET TO THE POINT OF BEGINNING, CONTAINING 11.95 ACRES, MORE OR LESS.

VELOCITY SKETCH
 BUTLER COUNTY
 NEBRASKA
 R3E

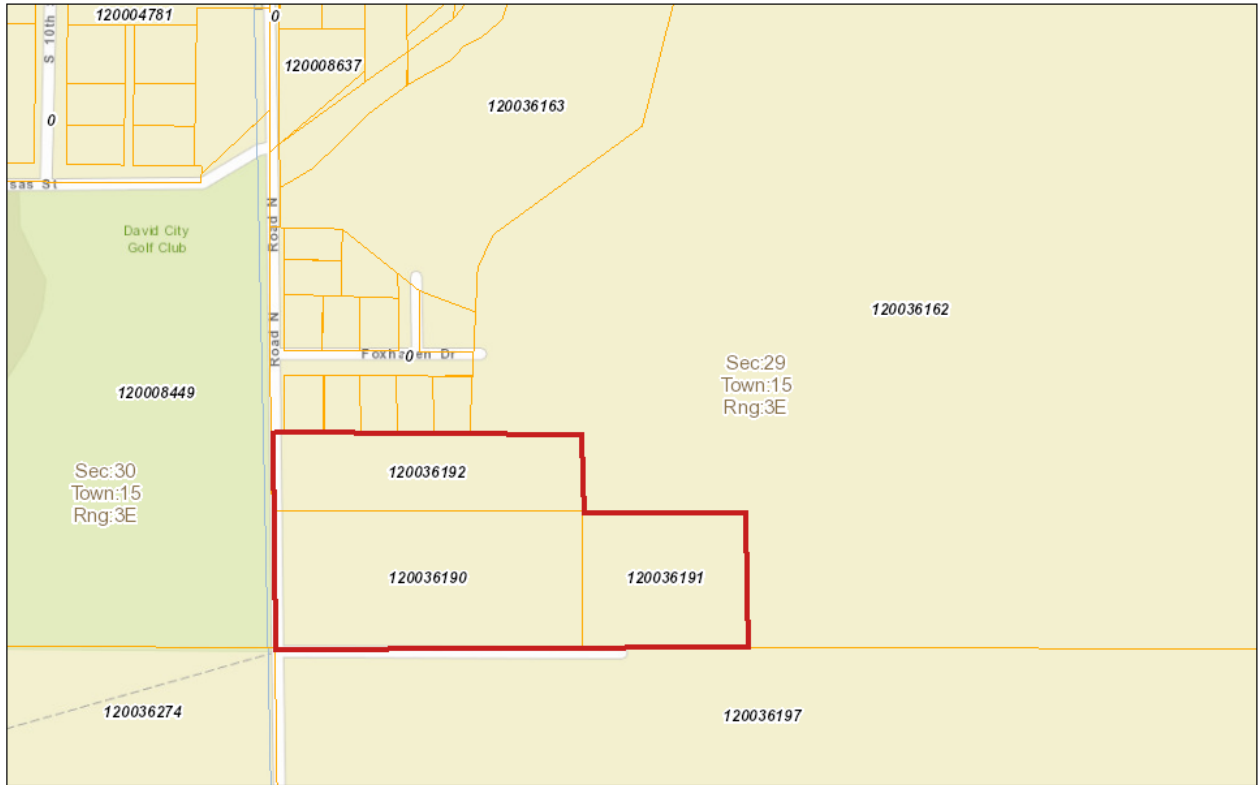


TOWNSHIP: 15N
 RANGE: 3E
 SECTION: 28
 COUNTY: BUTLER
 STATE: NEBRASKA

221761
 509/0022
 A004
 Brian J. Foral
 8/2/2022
 BUTLER CO. SD
 81F

1 OF 1

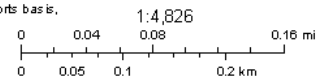
BRIAN J. FORAL, LS 568, 10/15/2022, 11:45 AM, BUTLER COUNTY, NEBRASKA, R3E, T15N, S28, SW1/4 NW1/4, ANNEXATION PLAT, ORDINANCE NO. 1417



November 15, 2022
13:48 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Butler County
GIS

Council member Jessica Miller made a motion to pass & adopt Ordinance No. 1419 on 3rd & Final reading annexing the Richard & Beverly Bennett and Don Saalfeld properties located in part of the NE quarter of the NE quarter of Section 25, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska, described below on 3rd & Final reading*PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S89°33'50"W (ASSUMED BEARING) ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 707.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 13-01242; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 605.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°33'50"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 11-01108; THENCE S00°00'00"E ON THE WEST LINE OF SAID

TRACT, A DISTANCE OF 361.63 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°48'14"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 655.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AND THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE CONTINUING S89°48'14"E ON THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE N00°00'00"E ON SAID EAST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 974.23 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE S89°33'50"W ON SAID NORTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 16.05 ACRES, MORE OR LESS. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1419

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA CERTAIN PROPERTY AS DESCRIBED; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;
- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;

- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (e) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 14th day of December, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

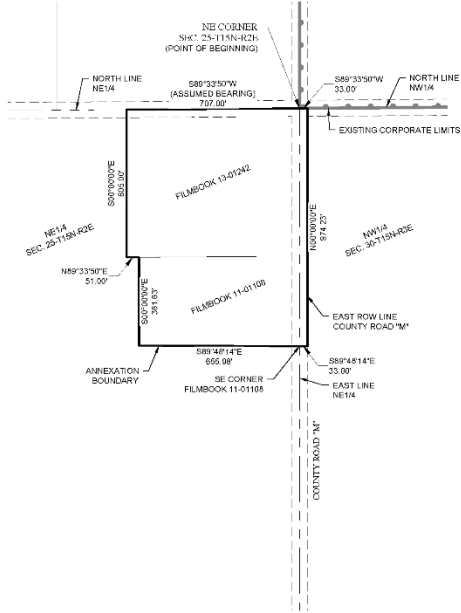
EXHIBIT "A"

ANNEX 5C – Ordinance No. 1419

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S89°33'50"W (ASSUMED BEARING) ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 707.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 13-01242; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 605.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N89°33'50"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN FILMBOOK 11-01108; THENCE S00°00'00"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 361.63 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°48'14"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 655.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AND THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE CONTINUING S89°48'14"E ON THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD "M"; THENCE N00°00'00"E ON SAID EAST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 974.23 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE S89°33'50"W ON SAID NORTH LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, CONTAINING 16.05 ACRES, MORE OR LESS.

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. 1419

ANNEX 5C



ANNEXATION DESCRIPTION:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P. M., AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P. M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE S89°33'50\"/>

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2022.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 588 DATE _____

NE 1/4 NE 1/4 SEC. 25-T15N-R2E
 NW 1/4 NW 1/4 SEC. 30-T15N-R3E
 BUTLER COUNTY, NEBRASKA

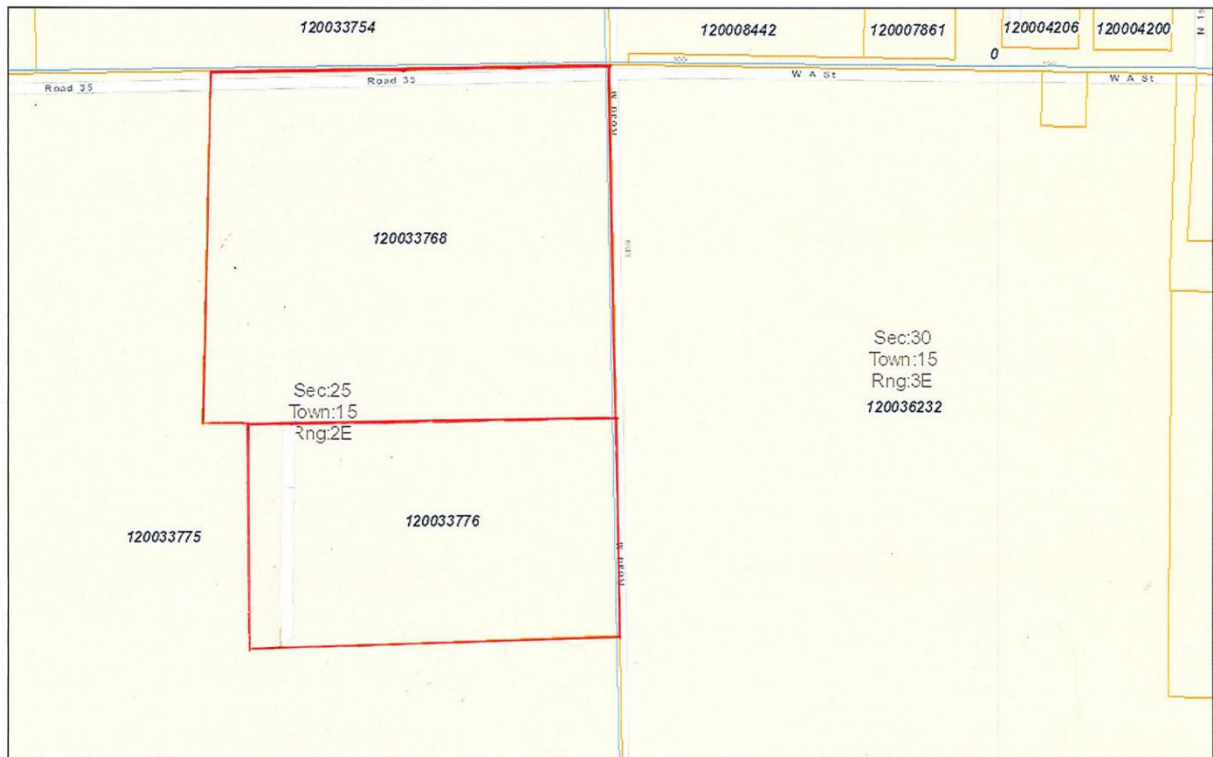
ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

VELOCITY SKETCH
 BUTLER COUNTY
 NEBRASKA



TITLE: 221761
 DATE: 6/27/2022
 PROJECT: A094
 FILE: 4-15
 DRAWN BY: B.J.F.
 CHECKED BY: B.J.F.

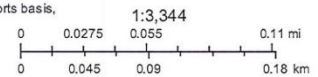
P:\1\2022\1419 - 1419-22\1419-22.dwg (1419-22.dwg) 11/15/2022 10:58:10 AM



November 16, 2022
08:23 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

-  Parcels
-  Sections



Council member Bruce Meysenburg made a motion to accept the resignation of Keith Marvin from the Planning Commission. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

November 28, 2022

Alan Zavodny, Mayor

Tami Comte, City Clerk

City of David City

It is with great sadness and happiness that I must submit my resignation from the David City Planning Commission, effective December 14, 2022. This is due to my election to the City Council.

It has truly been an honor and privilege to serve in this capacity the past 32 years.

Keith Marvin

Council member Pat Meysenburg made a motion to accept the resignation of Jessica Miller as 1st Ward Council member. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

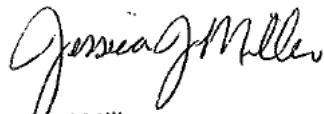
November 22, 2022

To Whom It May Concern,

Since the results of the recent elections, my role with the city will be changing. I am writing to formally inform you that I will be vacating my seat on city council for ward 1 as I take on this new position.

I look forward to this new adventure and the challenges it will bring! Thank you for your time and understanding.

Sincerely,

A handwritten signature in cursive script that reads "Jessica J. Miller". The signature is written in black ink and is positioned above the printed name.

Jessica J Miller

Council member Kevin Woita made a motion to approve a letter of agreement with Marvin Planning Consultants for the David City Zoning Map updates. Council Member John Vandenberg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0



December 10, 2022

Tami Comte
City Clerk
City of David City
David City, NE 68632

RE: Zoning Map Update
David City, NE

Tami;

First, I would like to say thank you for the opportunity to work with your organization . MPC will provide the City with the services as laid out below on this project.

The project will include:

- Review of all ordinances relates to past zoning map amendments.
- Development of a new zoning map based upon the following:
 - ⇒ New corporate limits
 - ⇒ All previous changes to the zoning map to date
 - ⇒ Plotting of a hard copy for City use
 - ⇒ A pdf version for inclusion on the City's website
- In addition, we propose to update the map as changes are made in the future for \$80 per hour
 - ⇒ Modifications will be at the direction of City staff
 - ⇒ MPC will provide an estimate of anticipated time and fee based upon hourly rate
- Copies of all final documents.

Project costs are as follows:

- \$1,500.00 for the development of the new digital map and initial plotting of the map
- Hourly rate as identified above will be \$80 per hour

Again, thank you for the opportunity to present our qualifications. We are confident in our abilities and experience and are anxious to discuss this project further. If you have questions or comments, please contact me at 402.367.5031 or 402.606.6405.

For the Team,

Keith A. Marvin, AICP
President/Project Manager

Marvin Planning Consultants, Inc

Keith A. Marvin AICP

Date

Marvin Planning Consultants, Inc.
382 North 4th Street
P.O. Box 410
David City, NE 68632
402.367.5031
402.606.6405

City of David City

Mayor

Date

Council member Bruce Meysenburg made a motion to adjourn. Council Member Pat Meysenburg seconded the motion. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:59 p.m.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0



CERTIFICATION OF MINUTES
December 14, 2022

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of December 14, 2022; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami Comte, City Clerk