

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 7, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REPLAT – LOTS 1 & 2 B&T ADDITION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSON ASSOCIATE PLANNER

**SYNOPSIS**

A resolution has been prepared to approve a replat of Lots 880, 881, and 1301 La Vista, being replatted as Lots 1 and 2 B&T Addition. The applicants are seeking to incorporate a portion of vacated 78<sup>th</sup> Street right-of-way into their existing, adjoining properties.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A resolution has been prepared for Council to consider an application submitted by Terry and Mary Frecks, and Wyatt and Elizabeth Buls for a replat, designated as B&T Addition to allow for them to obtain ownership from the City of a portion of unused 78th Street right-of-way that they have been maintaining. On November 16, 2021 La Vista City Council adopted Ordinance No. 1431 approving the vacation and conveyance of unused 78th Street right-of-way to the neighboring property owners who have been maintaining the right-of-way, contingent upon the replatting of the properties to incorporate the additional land into the existing properties. One of the applicants is seeking official ownership of the property to increase the buildable area on their lot, to allow for the future construction of an attached garage.

The required remonstrance period for the sale of the property was completed, without the filing of remonstrance, on 12/27/2021. The formal sale and transfer of the property may take place upon completion of the platting process. The application for a replat was submitted on January 11, 2022. City staff issued the initial review letter to the applicant on January 26, 2022, and the applicant resubmitted for further review on September 19, 2023.

A detailed staff report is attached.

The Planning Commission held a meeting on October 19, 2023, and voted 7-0 to recommend approval of the Replat, as the Replat request is consistent with the Subdivision Regulations.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 880, 881, AND 1301 LA VISTA TO BE REPLATTED AS LOTS 1 AND 2 B&T ADDITION, A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described property applied for approval of a replat for Lots 880, 881, and 1301 La Vista to be replatted as Lots 1 and 2 B&T Addition; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on October 19, 2023, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 880, 881, and 1301 La Vista to be replatted as Lots 1 and 2 B&T Addition, a subdivision located in the northwest quarter of Section 14, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located west of the intersection of S. 78<sup>th</sup> Street and Park View Boulevard, be, and hereby is, approved.

PASSED AND APPROVED THIS 7TH DAY OF NOVEMBER 2023.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE #S: PSPP21-0001 & PSFP21-0001;

FOR HEARING ON: NOVEMBER 7, 2023

REPORT PREPARED ON: OCTOBER 31, 2023

**I. GENERAL INFORMATION**

**A. APPLICANT(S):**

Wyatt & Liz Buls  
7801 Park View Blvd  
La Vista, NE 68128

Terry & Mary Frecks  
7741 Park View Blvd  
La Vista, NE 68128

**B. PROPERTY OWNERS:**

Same as applicants

**C. LOCATION:** 7741 Park View Blvd and 7801 Park View Blvd, along Park View Blvd adjacent to S. 78<sup>th</sup> St.

**D. LEGAL DESCRIPTION:** Lots 880, 881, and 1301 La Vista, to be replatted as Lots 1 and 2 B&T Addition.

**E. REQUESTED ACTION(S):** Approval of a replat to incorporate a portion of vacated 78<sup>th</sup> Street right-of-way into two adjoining properties.

**F. EXISTING ZONING AND LAND USE:** R-1 Single Family Residential Zoning District.

**G. PURPOSE OF REQUEST:** Applicants are seeking to obtain ownership from the City of a portion of unused 78<sup>th</sup> Street right-of-way that they have been maintaining. As part of the right-of-way vacation process, the properties need to be replatted in order to incorporate the additional land into the two adjoining properties. One of the applicants is seeking official ownership of the property to increase the buildable area on his lot, to allow for the future construction of an attached garage.

**H. SIZE OF SITE:** Approximately 0.67 acres.

**II. BACKGROUND INFORMATION**

**A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Urban Medium Intensity Residential	R-1 Single Family Residential	Single Family Homes; La Vista Subdivision
East	Urban Medium Intensity Residential	R-1 Single Family Residential	Single Family Homes; La Vista Subdivision
South	Urban Medium Intensity Residential	R-1 Single Family Residential	Single Family Homes; La Vista Subdivision
West	Parks & Open Space	R-1 Single Family Residential	Central Park

**B. RELEVANT CASE HISTORY:**

1. On November 16, 2021 La Vista City Council adopted Ordinance No. 1431 approving the vacation and conveyance of unused 78<sup>th</sup> Street right-of-way to Wyatt and Elizabeth Buls and Terry and Mary Frecks, neighboring property owners who have been maintaining the right-of-way, contingent upon the replatting of the properties.
2. The required remonstrance period for the sale of the property was completed, without the filing of remonstrance, on 12/27/2021. The formal sale and transfer of the property may take place upon completion of the platting process.
3. The application for a replat was submitted on January 11, 2022. City staff issued the initial review letter to the applicant on January 26, 2022. The applicant resubmitted for further review on September 19, 2023.

**C. APPLICABLE REGULATIONS:**

1. Section 5.06 of the City of La Vista Zoning Ordinance – R-1 Single-Family Residential
2. La Vista Subdivision Regulations

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for urban medium intensity residential development.

**B. OTHER PLANS:** N/A.

**C. TRAFFIC AND ACCESS:**

1. Access to this site will not change, and will be maintained through separate driveway entrances to the two residential properties off of Park View Blvd.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. N/A

**IV. REVIEW COMMENTS**

**A.** A 30' drainage and utility easement is included on the final plat to ensure that adequate maintenance access is retained to the storm sewer line located under a portion of the right-of-way to be vacated.

**V. STAFF RECOMMENDATION – REPLAT:**

Staff recommends approval of the replat for Lots 880, 881, and 1301 La Vista, to be replatted as Lots 1 and 2 B&T Addition, as the replat is consistent with La Vista's Subdivision Regulations.

**VI. PLANNING COMMISSION RECOMMENDATION – REPLAT:**

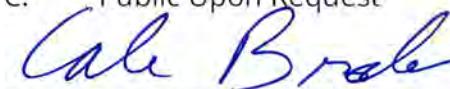
The Planning Commission met on October 19, 2023 and voted 7 for and 0 against to recommend approval of the replat for Lots 880, 881, and 1301 La Vista, to be replatted as Lots 1 and 2 B&T Addition, as the replat is consistent with La Vista's Subdivision Regulations.

**VII. ATTACHMENTS TO REPORT:**

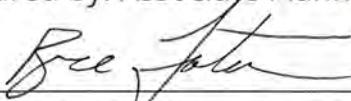
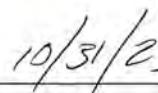
- A. Vicinity Map
- B. Review letter & Response Letter
- C. Preliminary Plat
- D. Final Plat

**VIII. COPIES OF REPORT SENT TO:**

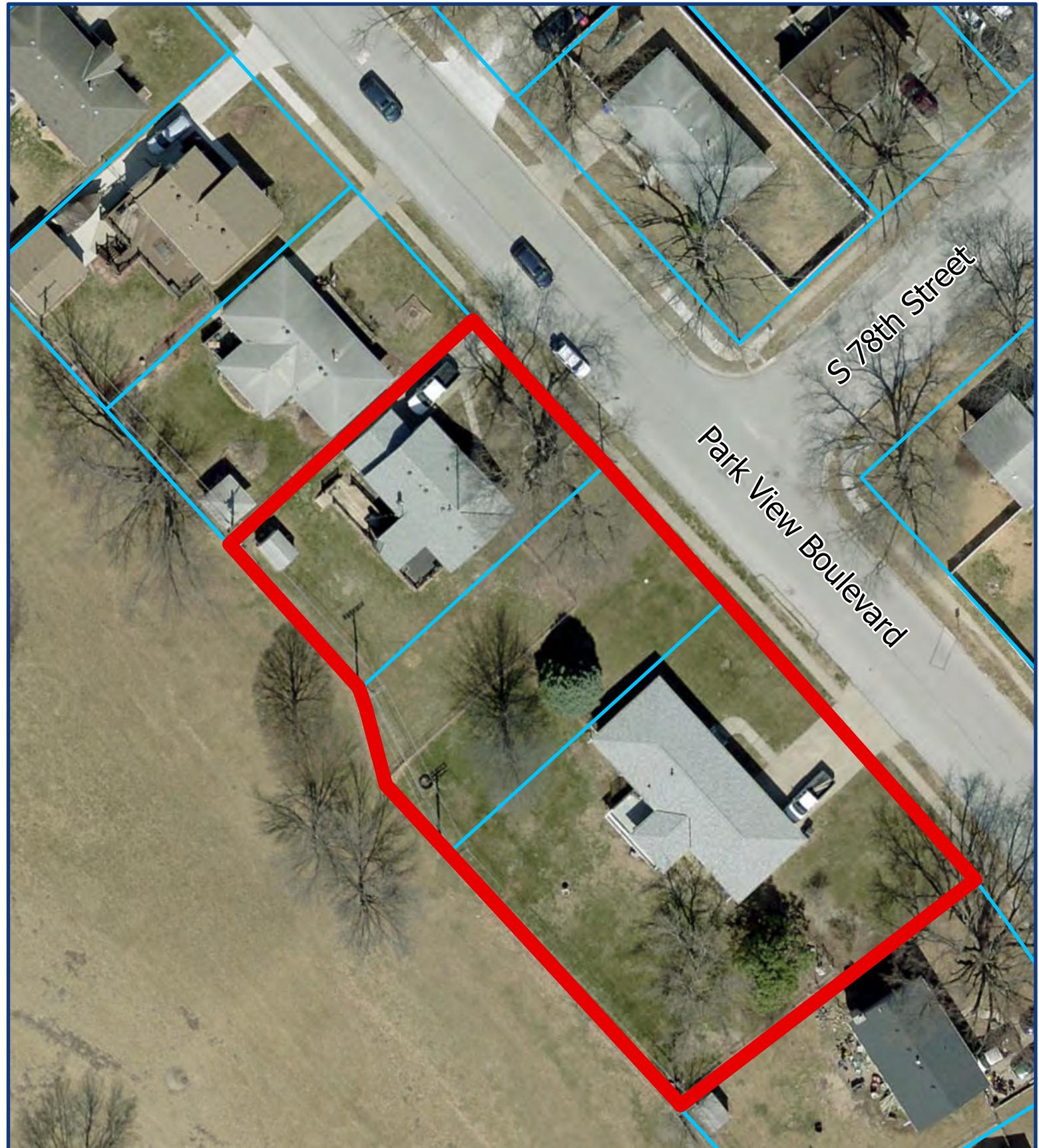
- A. Wyatt and Liz Buls
- B. Terry and Mary Frecks
- C. Public Upon Request



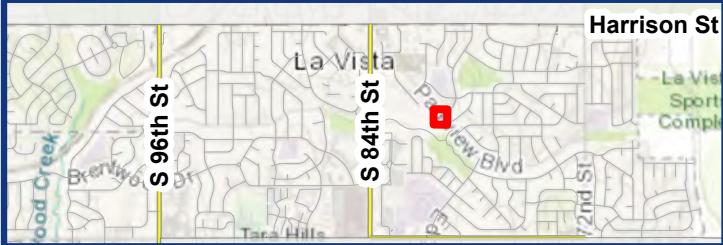
Prepared by: Associate Planner

  
Community Development Director  
10/31/23

Date



## Vicinity Map: Replat; B & T Addition



### Legend

- La Vista Parcels
- Proposed Replat Boundary





January 26, 2022

Michael Frecks  
TREKK Design Group, LLC  
2858 Sprague Street  
Omaha, NE 68111

RE: B&T Addition – Preliminary & Final Plat Applications – Initial Review Letter

Mr. Frecks,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. It is believed that a 36" diameter storm sewer runs in the vicinity of the centerline of the ROW, or the proposed lot line between Lot 1 and Lot 2, B&T Addition. Attached is a hand drawn sheet provided from Public Works' files for your consideration. The 36" diameter storm sewer pipe will need an easement on either side of the alignment for Public Works to access the pipe.
2. Please state the flowlines and sizes of the existing public utilities (storm and sanitary sewer) within the proposed ROW vacation on the preliminary plat, per Section 3.03.10 of La Vista's Subdivision Regulations.
3. The existing OPPD power line varies from what would be considered a typical back lot easement through the vacated ROW. Please contact OPPD to confirm there are no concerns in terms of access to the line and/or if a back-lot utility easement should be dedicated through the area to be vacated.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

4. Please confirm there are no other private utilities running through the side lots of the former lot lines of Lot 1301 and Lot 880 that abuts the ROW vacation. If there are, additional easements may need to be granted for said utilities.
5. Per Section 3.05.11, the notarized dedication on the Final Plat should be revised to include a notary block for all parties having any titled interest in or lien upon the land (including mortgage holders).
6. Please provide a County Treasurer Approval Block on the Final Plat that is consistent with Section 10.07 of the Subdivision Regulations, stating that there are no regular or special taxes due or delinquent against the platted land use.
7. Please remove the Sarpy County Planning and Zoning and Sarpy County Commission blocks from the Final Plat. These are not required.
8. Please provide a La Vista Planning Commission approval block on the Final Plat consistent with Section 10.03 of the Subdivision Regulations.
9. Please revise the La Vista City Council approval block on the Final Plat to be consistent with Section 10.04 of the Subdivision Regulations.
10. The City of La Vista Planning and Zoning block can be removed.
11. Please see attached the review comments provided by Sarpy County Public Work. Please make the revisions as necessary, except please remove the Sarpy County Board of Commissioners title block in its entirety.
12. Please provide a 5" X 2.5" space in the upper right-hand corner to allow for the placement of a recording sticker to show acceptance by the Sarpy County Register of Deeds, per Section 10.05 of the Subdivision Regulations.
13. The La Vista City Council approved an ordinance to vacate the old 78<sup>th</sup> Street ROW on 11/16/2021, the ordinance was published on 11/24/2021, then subsequent notices of the real estate sale were published for three weeks (12/1, 12/8, and 12/15). The required 30-day remonstrance period following the publication of ordinance was concluded, without the filing of remonstrance, on 12/27/2021. The date and details of closing on this vacated right-of-way will be determined upon resubmittal of the Preliminary and Final Plats.

Please resubmit 2 paper copies of the revised Preliminary and Final Plats (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

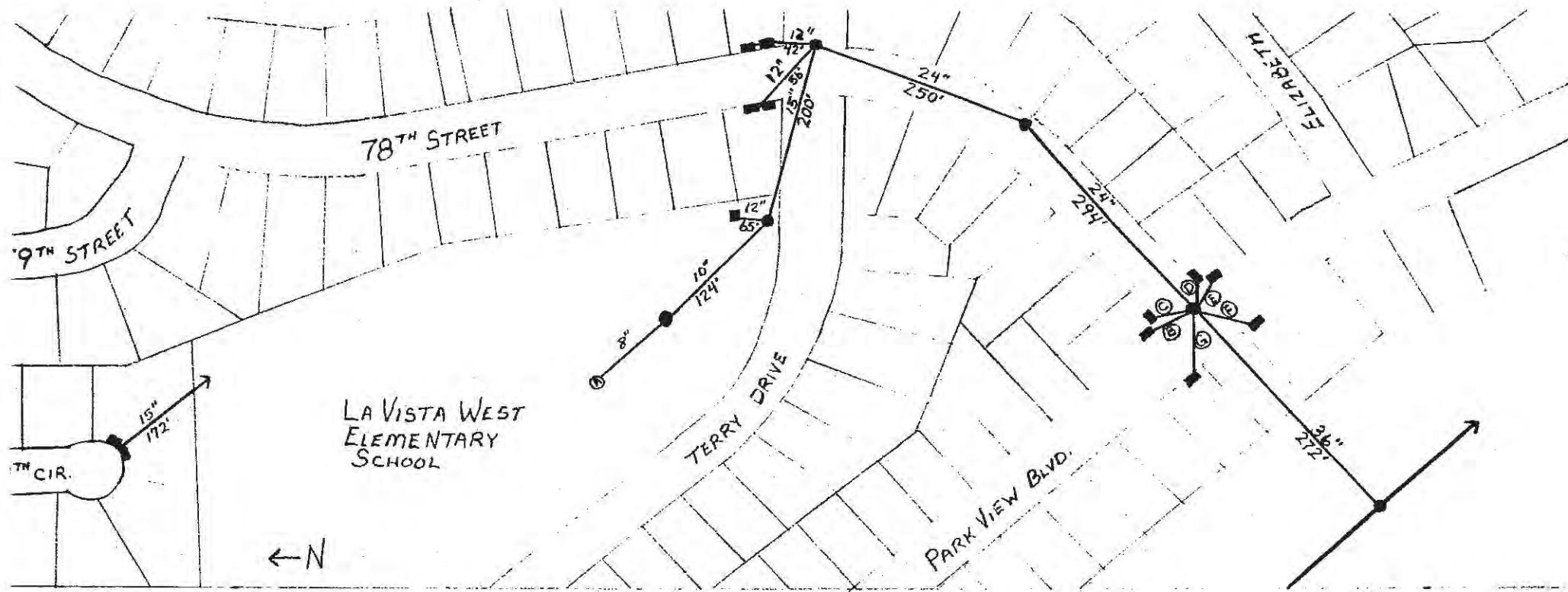


Cale Brodersen, AICP  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6405

cc:

Terry Frecks, Property Owner  
Wyatt Buls, Property Owner  
Bruce Fountain, Community Development Director – City of La Vista  
Christopher Solberg, Deputy Community Development Director – City of La Vista  
Pat Dowse, City Engineer – City of La Vista

Enclosures



## 78<sup>TH</sup> STREET SUB-BASIN STORM SYSTEM

- - CURB IN-LET
- - MAINTENANCE HOLE
- - COLLECTION LINE
- - AREA IN-LET

- A - DRAINAGE FROM SCHOOL BUILDING
- B - 12" x 54'
- C - 12" x 42'
- D - 12" x 31'
- E - 12" x 32'
- F - 12" x 40'
- G - 12" x 61'

\* - THIS LINE EMPTIES INTO THE THOMPSON CREEK  
AT THE GOLF COURSE BY HOLE #3.



## SARPY COUNTY

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**Dennis L. Wilson, P.E., PhD**  
Sarpy County Engineer

**PUBLIC WORKS DEPARTMENT**  
15100 South 84th Street ♦ Papillion, NE 68046-2895  
Phone (402) 537-6900 ♦ FAX (402) 537-6955 ♦ [www.sarpy.com](http://www.sarpy.com)

TO: Cale Brodersen, City of La Vista, Assistant Planner  
Meghan Enberg, City of La Vista, Permit Technician

FROM: Michael R. Sharp, RLS, Registered Land Surveyor

DATE: Thursday, January 13, 2022

RE: B & T Addition

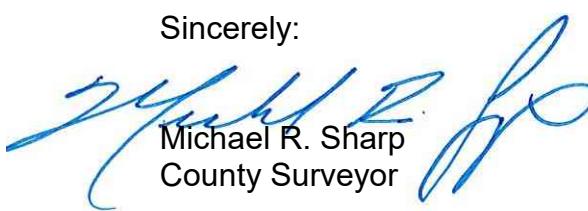
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Sarpy County Public Works has reviewed the application, as submitted. Please see the attached plan with comments for the Final Plat.

- Add Lots (1 and 2) in caption below subdivision name.
- Insert Subdivision name in Property Description.
- Take out the Missouri Standards.
- Add Sarpy County Review Block (See Attached).
- Change to (Sarpy County Board of Commissioners).
- Take out (To be) in the vacation and add the Ordinance Number.
- Is the Easement with the Plat or separate document to be filed?

Any questions please contact me at (402)537-6909.

Sincerely:

  
Michael R. Sharp  
County Surveyor



January 26, 2022

Michael Frecks  
TREKK Design Group, LLC  
2858 Sprague Street  
Omaha, NE 68111

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2. Please state the flowlines and sizes of the existing public utilities (storm and sanitary sewer) within the proposed ROW vacation on the preliminary plat, per Section 3.03.10 of La Vista's Subdivision Regulations. *DONE*
3. The existing OPPD power line varies from what would be considered a typical back lot easement through the vacated ROW. Please contact OPPD to confirm there are no concerns in terms of access to the line and/or if a back-lot utility easement should be dedicated through the area to be vacated.

*Revised layout.*

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4. Please confirm there are no other private utilities running through the side lots of the former lot lines of Lot 1301 and Lot 880 that abuts the ROW vacation. If there are, additional easements may need to be granted for said utilities. *No Known.*  
*See Utility Note.*
5. Per Section 3.05.11, the notarized dedication on the Final Plat should be revised to include a notary block for all parties having any titled interest in or lien upon the land (including mortgage holders). *DONE*
6. Please provide a County Treasurer Approval Block on the Final Plat that is consistent with Section 10.07 of the Subdivision Regulations, stating that there are no regular or special taxes due or delinquent against the platted land use. *DONE*
7. Please remove the Sarpy County Planning and Zoning and Sarpy County Commission blocks from the Final Plat. These are not required. *DONE*
8. Please provide a La Vista Planning Commission approval block on the Final Plat consistent with Section 10.03 of the Subdivision Regulations. *DONE*
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*Added Vacation Ordinance # onto FP*



Dennis L. Wilson, P.E., PhD  
Sarpy County Engineer

## SARPY COUNTY

**PUBLIC WORKS DEPARTMENT**  
15100 South 84th Street ♦ Papillion, NE 68046-2895  
Phone (402) 537-6900 ♦ FAX (402) 537-6955 ♦ [www.sarpy.com](http://www.sarpy.com)

TO: Cale Brodersen, City of La Vista, Assistant Planner  
Meghan Enberg, City of La Vista, Permit Technician

FROM: Michael R. Sharp, RLS, Registered Land Surveyor

DATE: Thursday, January 13, 2022

RE: B & T Addition

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- Add Lots (1 and 2) in caption below subdivision name. **DONE**
- Insert Subdivision name in Property Description. **DONE**
- Take out the Missouri Standards. **DONE**
- Add Sarpy County Review Block (See Attached). **DONE**
- Change to (Sarpy County Board of Commissioners). **Removed per City Comment #11**
- Take out (To be) in the vacation and add the Ordinance Number. **DONE**
- Is the Easement with the Plat or separate document to be filed? **Dedicated by Plat.**  
*See OWNER'S CERT.*

Any questions please contact me at (402)537-6909.

Sincerely:

A handwritten signature in black ink, appearing to read "Michael R. Sharp".

Michael R. Sharp  
County Surveyor



