

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 1, 2016 AGENDA**

| Subject: | Type: | Submitted By: |
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| ORDINANCE TO AMEND SECTION 2 OF ORDINANCE NO. 1286 | RESOLUTION ◆ ORDINANCE RECEIVE/FILE | ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR |

SYNOPSIS

An ordinance has been prepared to amend Section 2 of Ordinance No. 1286 to allow additional time to satisfy requirements.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

An ordinance has been prepared to extend the effective date of the rezoning ordinance for property identified as Lots 1-7 Brentwood Crossing, Lots 8B & 8C, Brentwood Crossing Replat No. 1, Lots 8A1, 8A2, 8A3 & 8A4, Brentwood Crossing Replat No. 2, and portions of Tax Lot 12, 14-14-12 (to be replatted as proposed Lots 1-17 and Outlots A-C, La Vista City Centre). The property is generally southeast of 84th Street and Summer Drive.

The rezoning ordinance, Ordinance No. 1286, listed an effective date which was subject to recording certain documents including the plat on or before November 1, 2016. An amendment is proposed to allow additional time to satisfy these requirements. The new date proposed is on or before January 3, 2017.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND SECTION 2 OF ORDINANCE NO. 1286 TO ALLOW ADDITIONAL TIME TO SATISFY CERTAIN CONDITIONS FOR MU-CC REZONING; TO REPEAL SAID SECTION AS ORIGINALLY ADOPTED; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Section 2 of Ordinance No. 1286. Section 2 of Ordinance No. 1286 is hereby amended to allow additional time to satisfy certain conditions as follows:

"Section 2. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned effective as of August 1, 2016 from 'C-1' Shopping Center Commercial District, Gateway Corridor District (Overlay District) to 'MU-CC' Mixed Use City Centre District, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tract of land from 'C-1' Shopping Center Commercial District, Gateway Corridor District (Overlay District) to 'MU-CC' Mixed Use City Centre District, subject to recording of the final plat, subdivision agreement and redevelopment agreement for such tract with the Sarpy County Register of Deeds on or before January 3, 2017:

A TRACT OF LAND LOCATED IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TAX LOT 12, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF 84TH STREET; THENCE ON AN ASSUMED BEARING OF N02°22'12"E ON THE EAST RIGHT-OF-WAY LINE OF 84TH STREET, 55.20 FEET; THENCE N87°27'28"E, 217.26 FEET; THENCE S57°58'55"E, 96.96 FEET TO A POINT ON THE SOUTH LINE OF SAID TAX LOT 12; THENCE S87°27'28"W ON SAID SOUTH LINE, 301.84 FEET TO THE POINT OF BEGINNING.

A TRACT OF LAND BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 2:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TAX LOT 12, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF 84TH STREET; THENCE ON AN ASSUMED BEARING OF N87°27'28"E ON SAID SOUTH LINE OF TAX LOT 12, 541.84 FEET TO THE POINT OF BEGINNING; THENCE N58°06'08"E, 112.19 FEET; THENCE N87°27'28"E, 191.50 FEET; THENCE S02°33'02"E, 55.00 FEET TO A POINT ON SAID SOUTH LINE OF TAX LOT 12; THENCE S87°27'28"W ON SAID SOUTH LINE, 289.29 FEET TO THE POINT OF BEGINNING.

TRACT 3:

LOTS 1 THRU 7, BRENTWOOD CROSSING, LOTS 8B AND 8C, BRENTWOOD CROSSING REPLAT 1, AND LOTS 8A1, 8A2, 8A3 AND 8A4, BRENTWOOD CROSSING REPLAT 2, LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

ALL BEING REPLATTED AS PROPOSED LOTS 1 THRU 17 AND OUTLOTS A THRU C, LA VISTA CITY CENTRE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

'This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska'

and shall show the date of the adoption of that Ordinance and this amendment."

SECTION 2. Section 2 of Ordinance No. 1286 as previously enacted is hereby repealed.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of this City hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2016.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethle, CMC
City Clerk