



# City of Grand Island

Tuesday, October 24, 2017

Council Session

## Item I-5

**#2017-247 - Consideration of Directing Property Owner to Install Sidewalk at 4194 Norseman Avenue (Federal Home Loan Mortgage Corp.)**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Keith Kurz PE, Assistant Public Works Director

**Meeting:** October 24, 2017

**Subject:** Consideration of Directing Property Owner to Install Sidewalk at 4194 Norseman Avenue (Federal Home Loan Mortgage Corp.)

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

Public Works received a complaint on June 8, 2017 regarding missing sidewalk on the west side of 4194 Norseman Avenue. As shown on the attached map, sidewalk is in place along Independence Avenue from Manchester Road to George Park with the exception of this missing segment.

On June 19, 2017 a letter was sent to the property owner requesting the missing sidewalk be installed no later than August 1, 2017 on the west side of 41947 Norseman Avenue. As of October 17, 2017, the requested sidewalk has not been installed.

On September 12, 2017 this issue was presented to Council, and was differed until October 24, 2017.

The City's attached Public Sidewalk Policy was approved by City Council on July 28, 1997 via Resolution No. 1997-214. The conditions requiring sidewalk under this policy are not present.

Section 5 of the attached August 18, 1992 subdivision agreement for the Jeffrey Oaks Subdivision requires installation of sidewalks when lots were built upon. This requirement predated the City's Public Sidewalk Policy by 5 years.

Section 32-58 of City Code specifies a procedure for installing sidewalks, making the owner responsible. Council can decide to order installation through an alternate method, or to delay or dismiss the installation requirement.

## **Discussion**

To comply with requirements of the Subdivision agreement the Public Works Department is requesting a resolution giving the property owner 15 days to obtain the

sidewalk permit and 15 days from issuance to complete the installation of the sidewalk at 4194 Norseman Avenue (Lot 32, Jeffrey Oaks Subdivision, Grand Island, Hall County, Nebraska).

If the property owner fails to either obtain the sidewalk permit in the 15 day timeframe or complete installation 15 days after, the City of Grand Island will take steps to make the necessary repairs with all costs being the responsibility of the property owner.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue
5. Direct City funds to this project

### **Recommendation**

Public Works recommends Council approve a resolution directing the property owner to obtain a permit and install the missing sidewalk located at 4194 Norseman Avenue (Lot 32, Jeffrey Oaks Subdivision, City of Grand Island, Hall County, Nebraska).

### **Sample Motion**

Move to approve a resolution directing the property owner to obtain a sidewalk permit and install the missing sidewalk.

92- 107495

STATE OF NEBRASKA  
COUNTY OF HALL

92 AUG 27 PM 1 27

*Jeffrey Oaks, Inc.*  
REC. OF DEEDS

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

# SUBDIVISION AGREEMENT

## JEFFREY OAKS SUBDIVISION

In the City of Grand Island, Nebraska

(Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,  
26, 27, 28, 29, 30, 31, 32)

The undersigned, JEFFREY OAKS, INC., a Nebraska corporation, herein called the Subdivider, as owner of a tract of land comprising part of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Eleven (11), Township Eleven (11) North, Range Ten (10), West of the 6th P.M., City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

Beginning at the Southeast corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence northerly along the East line of said Northeast Quarter (NE $\frac{1}{4}$ ) on an assumed bearing of N 00° 14' 22" a distance of three hundred thirty-one and seventy-eight hundredths (331.78) feet to the Northeast corner of Sussex Place Subdivision; thence N 88° 42' 56" W along the northerly line of said Sussex Place Subdivision a distance of two thousand one hundred twenty-seven and six hundredths

(2,127.06) feet to the actual place of beginning, also being a point on the northerly right-of-way line of Manchester Road; thence continuing N 88° 42' 56" W along said right-of-way line a distance of one hundred fifty-four and four-hundredths (154.04) feet to a point of curvature; thence northwesterly along said right-of-way line and on the arc of a curve whose radius is one hundred seventy-five (175.0) feet (the long chord of which bears N 71° 48' 58" W) a long chord distance of one hundred three and eleven hundredths (103.11) feet to a point of reverse curve; thence northwesterly along said right-of-way line and on the arc of a curve whose radius is one hundred seventy-five (175.0) feet (the long chord of which bears N 71° 48' 58" W) a long chord distance of one hundred three and eleven hundredths (103.11) feet; thence N 88° 42' 56" W along said right-of-way line a distance of seventy (70.0) feet to the easterly right-of-way line of Independence Avenue; thence N 00° 00' 00" W along said easterly right-of-way line of Independence Avenue a distance of eight hundred ten and seven hundredths (810.07) feet; thence S 88° 53' 46" E a distance of four hundred sixty-one and five-tenths (461.5) feet; thence S 00° 00' 00" E a distance of four hundred seventy-two and five-tenths (472.5) feet; thence N 88° 53' 46" W a distance of forty-one and five-tenths (41.5) feet; thence S 00° 00' 00" E a distance of three hundred ninety-eight and eighty-two hundredths (398.82) feet to the actual place of beginning, and containing 8.612 acres, more or less;

desires to have subdivided as a subdivision the above-described tract of land which is located within the corporate limits of the City of Grand Island, Nebraska, and hereby submits to the City Council of such City for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as JEFFREY OAKS SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with lots designated by numbers, easements by dimensions, and streets by names, and proposes to cause the plat of such subdivision when finally approved by the Regional Planning Commission and the City Council to be acknowledged by each owner, certified as to accuracy of survey by a registered land

surveyor, and to contain a dedication of the easements to the use and benefits of public utilities, and of the streets to the use and benefit of the public forever. In consideration of the acceptance of the plat of said JEFFREY OAKS SUBDIVISION, the Subdivider hereby consents and agrees with the City of Grand Island, Nebraska, that it will install or provide at its expense the following:

1. **Paving.** The Subdivider agrees to pave Norseman Avenue, Hartford Street, and Topeka Circle within the Subdivision in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection. The Subdivider waives the right to object to any paving or repaving districts for Independence Avenue and Manchester Road where they abut the subdivision.

2. **Water.** Public water service is available to the Subdivision, and the Subdivider agrees to connect all lots in the Subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection; and further agrees to connect all structures requiring service in the subdivision to said water main.

3. **Sanitary Sewer.** Public sanitary sewer service is available to the Subdivision, and the Subdivider agrees to connect all lots in the Subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection; and further agrees to connect all structures requiring service in the subdivision to said sanitary sewer service.

4. **Drainage.** The Subdivider agrees to grade the lots of the subdivision in conjunction with the structures thereon so that the storm water drains to the public right-of-way or to the City storm drainage system as approved by the Director of Public Works.

5. **Sidewalks.** The Subdivider shall install, at its own expense, all public sidewalks required by the Grand Island City Code when the lots are built upon, and sidewalks shall be regulated and required with the building permit for each such lot.

6. **Engineering Data.** All engineering plans and specifications for improvements shall be furnished by the Subdivider to the Director of Public Works for approval prior to contracting for construction of any improvements.

7. **Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as JEFFREY OAKS SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island.

8. This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, its successors and assigns. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated August 18, 1992

JEFFREY OAKS, INC.  
A Nebraska Corporation

By James S. Reed, President  
James S. Reed, President  
Attest Precious Reed, Secretary  
Precious Reed, Secretary

CITY OF GRAND ISLAND, NEBRASKA  
A Municipal Corporation

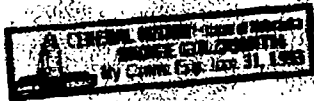
By

Ernest L. Dobesh  
Ernest L. Dobesh, Mayor

Attest

Cindy K. Cartwright  
Cindy K. Cartwright, City ClerkSTATE OF NEBRASKA )  
 ) SS  
COUNTY OF HALL )

Before me, a Notary public qualified for said County, personally came James S. Read, President of Jeffrey Oaks, Inc., known to me personally to be the President of Jeffrey Oaks, Inc., a Nebraska corporation, and the identical person who signed the foregoing Subdivision Agreement and acknowledged the foregoing signature to be his voluntary act and deed on behalf of the corporation for the purpose therein expressed.

WITNESS my hand and seal this 29th day of July, 1992.Nidge H. Green  
Notary Public

RESOLUTION 97-214

WHEREAS, pursuant to direction of the Mayor and City Council, the City Administrator established a team of persons to study the pedestrian sidewalk system in the areas surrounding the Grand Island Mall, Conestoga Mall, Westridge and Engleman Schools; and

WHEREAS, the study team investigated current conditions and developed a recommendation concerning the need for pedestrian sidewalks and an appropriate policy for improvement of public sidewalks; and


WHEREAS, it is recommended that the Public Sidewalk Policy attached hereto as Exhibit "A" and incorporated herein by reference be adopted by the City Council in an effort to improve the quality of the City's public sidewalk system and reduce pedestrian safety concerns throughout the city.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Public Sidewalk Policy attached hereto as Exhibit "A" is hereby approved and adopted..

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Adopted by the City Council of the City of Grand Island, Nebraska, July 28, 1997.

  
Cindy K. Cartwright, City Clerk

Approved as to Form	▼	
July 25, 1997	▲	City Attorney

# Public Sidewalk Policy

1. Identify, prioritize, and schedule the installation of public sidewalks for serving City-owned property adjacent to curb and gutter streets.
2. Enforce existing subdivision agreements which require the installation of public sidewalks adjacent to curb and gutter streets.
3. Develop a plan and schedule in conjunction with school districts, to accommodate pedestrian sidewalks for school traffic and require the installation of sidewalks on school properties adjacent to curb and gutter streets.
4. Require the installation of public sidewalks on both sides of all new curb and gutter street construction projects where feasible. Require installation within one year following Council approval of the Engineer's Certificate of Final Completion of a Street Improvement District which includes curb and gutter. The requirement for sidewalk installation shall be included as part of the notice of street improvement district creation.
5. Request that the State Department of Roads install pedestrian sidewalks on both sides of all new State Highway projects.
6. Require staff to identify existing sidewalk gaps of one hundred fifty (150.0) feet or less and require installation.
7. Require the installation of public sidewalks where curb and gutter are present with building permits for any new principal structure on a vacant lot or tract adjacent to existing curb and gutter.

**Exhibit A**



**Missing  
Sidewalk**

**George Park**

**Engleman  
Elementary**



## RESOLUTION 2017-247

WHEREAS, the City has the authority under Section 32-58 of the City Code, as well as Resolution No. 1997-214 to direct the installation of sidewalk by owners of the abutting property; and

WHEREAS, sidewalk is missing on the west side of 4194 Norseman Avenue, legally described as Lot 32, Jeffrey Oaks Subdivision, City of Grand Island, Hall County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that notice be sent to the property owner to obtain a sidewalk permit within 15 days and within 15 days of such permit issuance to install the missing sidewalk abutting the property located at 4194 Norseman Avenue (Lot 32, Jeffrey Oaks Subdivision, City of Grand Island, Hall County, Nebraska). If the property owner fails to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary sidewalk installation within 15 days of such permit issuance, the City will cause the work to be done and assess the cost against the property.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 24, 2017.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/>	_____
October 20, 2017	<input checked="" type="checkbox"/>	City Attorney