



# City of Grand Island

Tuesday, June 11, 2019

Council Session

## Item G-2

**#2019-182 - Approving Final Plat and Subdivision Agreement for Fifth Street Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** June 11, 2019

**Subject:** Fifth Street Subdivision – Final Plat

**Presenter(s):** Chad Nabity, AICP, Regional Planning Director

## **Background**

This property is located between Willow Street and Congdon Avenue north of 4<sup>th</sup> Street in Grand Island, Nebraska. (20 lots, 3.305 acres). This property is proposed for zoning as R3-SL Medium Density Small Lot residential. A replat of lots 11 and 12 and parts of lots 13 and 14 of Lambert's Subdivision in the City Of Grand Island, Hall County, Nebraska. The preliminary plat for this subdivision was approved by the City Council at their meeting on May 14, 2019.

## **Discussion**

The final plat for Fifth Street Subdivision was considered by the Regional Planning Commission at the May 1, 2019 meeting.

A motion was made by Rainforth and second by Allan to approve the final plat as presented.

A roll call vote was taken and the motion passed with 11 members present and voting in favor (O'Neill, Nelson, Ruge, Allan, Monter, Maurer, Rubio, Rainforth, Randone, Kjar and Hedricksen) and no members present voting no.

## **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

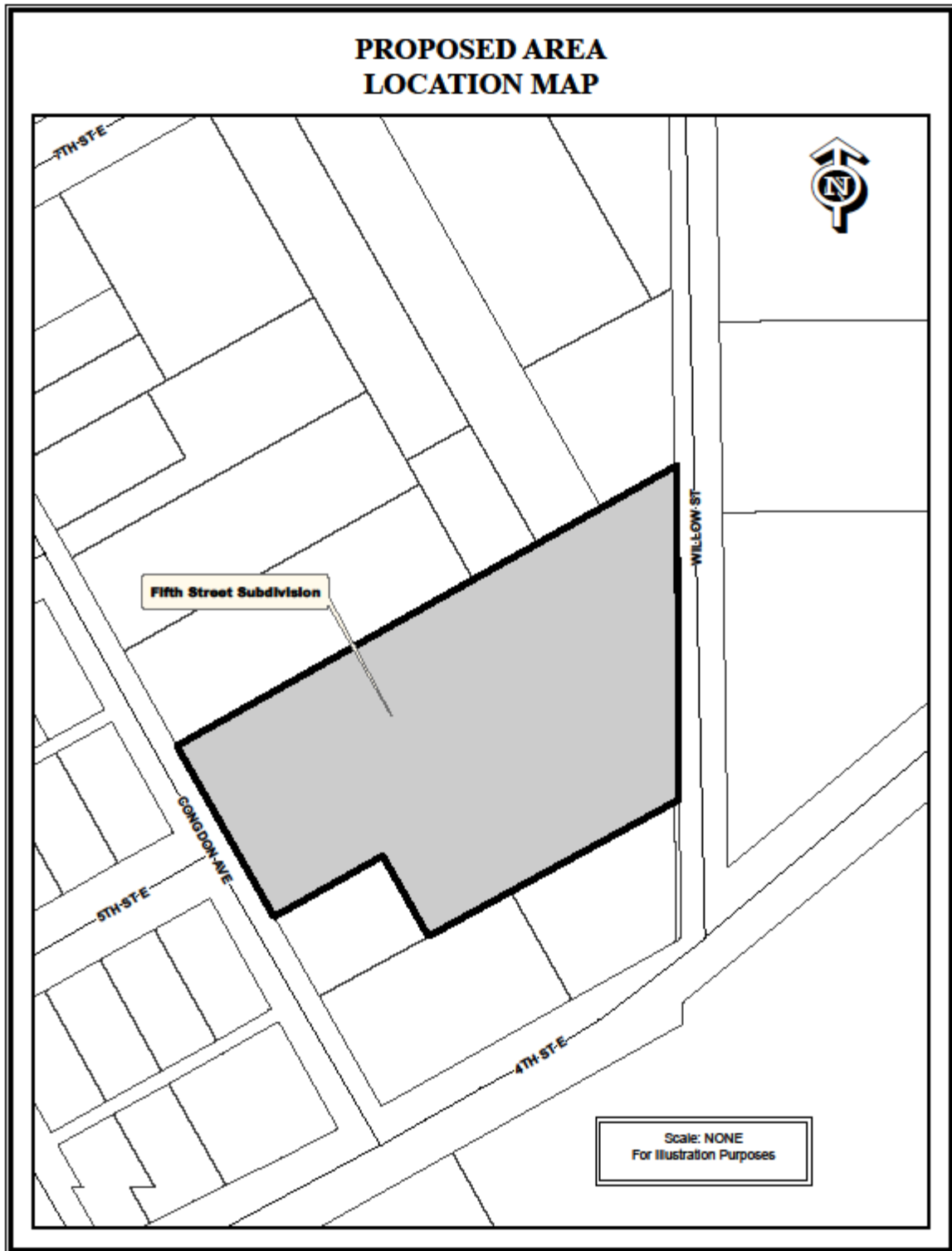


## **Recommendation**

City Administration recommends that Council approve the final plat as presented.

## **Sample Motion**

Move to approve as recommended.



**Developer/Owner**  
L & P Investments LLC

429 Industrial Lane  
Grand Island, NE 68803

This property is located between Willow Street and Congdon Avenue north of 4<sup>th</sup> Street in Grand Island, Nebraska. (20 lots, 3.305 acres).

**Size:** 3.305 Acres 20 Lots

**Zoning:** R3-SL Medium Density Small Lot Residential

**Road Access:** Congdon Avenue is a 37 foot city street. Willow Street is an existing gravel street. Fifth Street is proposed as a 32 foot street with parking offset by driveways.

**Water Public:** City water is available and will be extended to all lots.

**Sewer Public:** City sewer is available and will be extended to all lots.



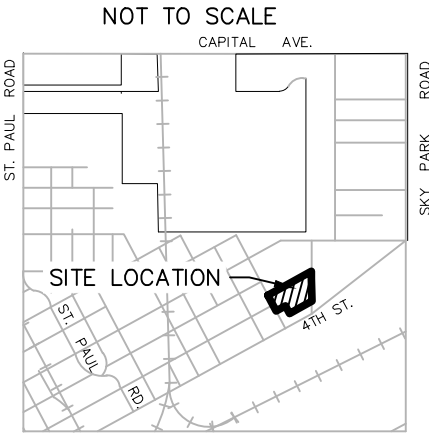
FIFTH STREET SUBDIVISION  
GRAND ISLAND, HALL COUNTY, NEBRASKA  
SITE PLAT

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF ALL OF LOTS 11 AND 12 AND PART OF LOTS 13 AND 14, ALL OF LAMBERT'S SUBDIVISION, GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 11, LAMBERT'S SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S00°56'46"E, ALONG THE NORTHEASTERLY LINE OF LAMBERT'S SUBDIVISION AND ALSO BEING THE WEST RIGHT-OF-WAY LINE OF WILLOW STREET, A DISTANCE OF 85.76 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 11; THENCE S00°55'57"E, ALONG SAID NORTHEASTERLY LINE AND SAID WEST R.O.W. LINE, A DISTANCE OF 262.71 FEET TO THE SOUTHEASTERLY LINE OF LOT 14, SAID LAMBERT'S SUBDIVISION; THENCE S61°00'53"W, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 14, A DISTANCE OF 5.71 FEET TO A POINT ON THE WEST R.O.W. LINE OF SAID WILLOW STREET; THENCE S61°06'34"W, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 195.43 FEET; THENCE S61°08'12"W A DISTANCE OF 98.37 FEET; THENCE N29°05'16"W A DISTANCE OF 100.05 FEET; THENCE S61°09'57"W A DISTANCE OF 129.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LAMBERT'S SUBDIVISION AND ALSO BEING THE NORTHEASTERLY R.O.W. LINE OF CONGDON AVENUE; THENCE N30°07'54"W, ALONG SAID SOUTHWESTERLY LINE AND SAID NORTHEASTERLY R.O.W. LINE, A DISTANCE OF 129.23 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 11; THENCE N29°42'13"W, ALONG SAID R.O.W. LINE, A DISTANCE OF 75.41 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 11; THENCE N60°48'19"E, ALONG THE NORTHERLY LINE OF SAID LOT 11, A DISTANCE OF 355.34 FEET TO THE SOUTHWESTERLY CORNER OF LOT 5, LAMBERT'S SUBDIVISION; THENCE N60°54'59"E, ALONG SAID NORTHWESTERLY LINE OF LOT 11, A DISTANCE OF 153.89 FEET TO THE SOUTHEASTERLY CORNER OF LOT 4, SAID LAMBERT'S SUBDIVISION; THENCE N60°43'31"E A DISTANCE OF 87.74 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 143,957.89 SQUARE FEET OR 3.305 ACRES MORE OR LESS OF WHICH 0.698 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

LOCATION MAP



0' 20' 40' 80'  
SCALE IN FEET

LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- ROW LINE
- PROPERTY LINE
- NEW SUBDIVISION LINE
- M MEASURED DISTANCE
- D DEEDED DISTANCE
- P PLATTED DISTANCE LAMBERT'S SUB
- P1 PLATTED DISTANCE LAMBERT'S 4TH SUB
- P2 PLATTED DISTANCE LAMBERT'S 6TH SUB
- E EASEMENT DISTANCE
- ⚡ POWER POLE W/ LIGHT
- ⚡ POWER POLE
- ☎ TELEPHONE RISER
- ☎ LIGHT POLE
- GUY WIRE
- ⛶ WATER VALVE
- ⦿ FHT FIRE HYDRANT
- ⦿ SIGN
- ⦿ STEEL POST
- ⦿ MAILBOX
- ⦿ STORM DRAIN MANHOLE
- ⦿ SANITARY MANHOLE
- ⦿ DECIDUOUS TREE
- SD STORM SEWER LINE
- W WATER LINE
- G GAS LINE
- CATV UNDERGROUND CABLE
- P-OH OVERHEAD ELECTRIC
- SS SANITARY SEWER LINE
- TEL UNDERGROUND TELEPHONE
- X WIRE FENCE
- CHAINLINK FENCE
- WOODEN FENCE
- /// BUILDING LINE

OWNERS: L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION  
SUBDIVIDER: L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION  
SURVEYOR: OLSSON  
ENGINEER: OLSSON  
NUMBER OF LOTS: 20

NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

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olsson

201 East 2nd Street  
Grand Island, NE 68801  
TEL 308.384.8750  
FAX 308.384.8752

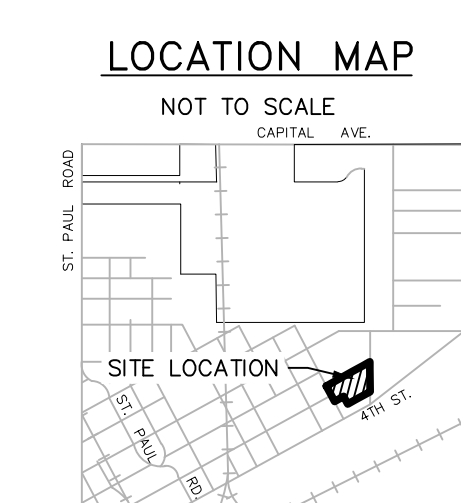
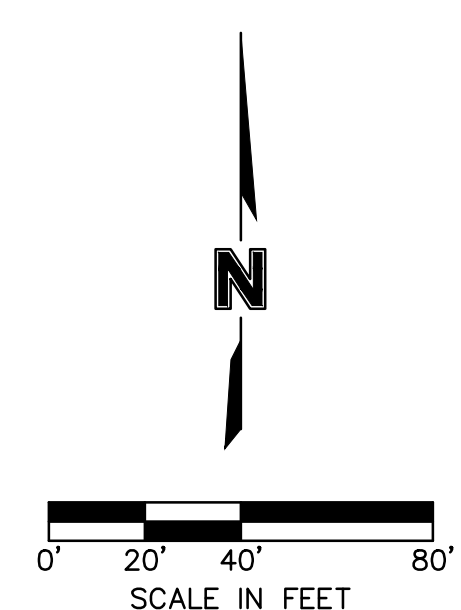
PROJECT NO. 2019-0772  
STAROSTKA  
5TH STREET SURVEY  
FB GI 2019-1



# FIFTH STREET SUBDIVISION


## GRAND ISLAND, HALL COUNTY, NEBRASKA

### FINAL PLAT



| LEGEND |                                    |
|--------|------------------------------------|
| ●      | SET CORNER (5/8"x24" REBAR W/CAP)  |
| ○      | FOUND CORNER (AS NOTED)            |
| ---    | ROW LINE                           |
| ---    | PROPERTY LINE                      |
| ---    | NEW SUBDIVISION LINE               |
| M      | MEASURED DISTANCE                  |
| D      | DEEDED DISTANCE                    |
| P      | PLATTED DISTANCE LAMBERT'S SUB     |
| P1     | PLATTED DISTANCE LAMBERT'S 4TH SUB |
| P2     | PLATTED DISTANCE LAMBERT'S 6TH SUB |
| E      | EASEMENT DISTANCE                  |

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SUBDIVIDER: L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION  
SURVEYOR: OLSSON  
ENGINEER: OLSSON  
NUMBER OF LOTS: 20



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FIFTH STREET SUBDIVISION
GRAND ISLAND, HALL COUNTY, NEBRASKA
FINAL PLAT

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF ALL OF LOTS 11 AND 12 AND PART OF LOTS 13 AND 14, ALL OF LAMBERT’S SUBDIVISION, GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 11, LAMBERT’S SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S00°56’46”E, ALONG THE NORTHEASTERLY LINE OF LAMBERT’S SUBDIVISION AND ALSO BEING THE WEST RIGHT-OF-WAY LINE OF WILLOW STREET, A DISTANCE OF 85.76 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 11; THENCE S00°55’57”E, ALONG SAID NORTHEASTERLY LINE AND SAID WEST R.O.W. LINE, A DISTANCE OF 262.71 FEET TO THE SOUTHEASTERLY LINE OF LOT 14, SAID LAMBERT’S SUBDIVISION; THENCE S61°00’53”W, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 14, A DISTANCE OF 5.71 FEET TO A POINT ON THE WEST R.O.W. LINE OF SAID WILLOW STREET; THENCE S61°06’34”W, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 195.43 FEET; THENCE S61°08’12”W A DISTANCE OF 98.37 FEET; THENCE N29°05’16”W A DISTANCE OF 100.05 FEET; THENCE S61°09’57”W A DISTANCE OF 129.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LAMBERT’S SUBDIVISION AND ALSO BEING THE NORTHEASTERLY R.O.W. LINE OF CONGDON AVENUE; THENCE N30°07’54”W, ALONG SAID SOUTHWESTERLY LINE AND SAID NORTHEASTERLY R.O.W. LINE, A DISTANCE OF 129.23 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 11; THENCE N29°42’13”W, ALONG SAID R.O.W. LINE, A DISTANCE OF 75.41 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 11; THENCE N60°48’19”E, ALONG THE NORTHERLY LINE OF SAID LOT 11, A DISTANCE OF 355.34 FEET TO THE SOUTHWESTERLY CORNER OF LOT 5, LAMBERT’S SUBDIVISION; THENCE N60°54’59”E, ALONG SAID NORTHWESTERLY LINE OF LOT 11, A DISTANCE OF 153.89 FEET TO THE SOUTHEASTERLY CORNER OF LOT 4, SAID LAMBERT’S SUBDIVISION; THENCE N60°43’31”E A DISTANCE OF 87.74 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 143,957.89 SQUARE FEET OR 3.305 ACRES MORE OR LESS OF WHICH 0.698 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

SURVEYOR’S CERTIFICATE

I HEREBY CERTIFY THAT ON \_\_\_\_\_, 2019, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND CONSISTING OF ALL OF LOTS 11 AND 12 AND PART OF LOTS 13 AND 14, ALL OF LAMBERT’S SUBDIVISION, GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

\_\_\_\_\_  
JESSE E. HURT, REGISTERED LAND SURVEYOR NUMBER, LS-674

APPROVAL

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, CITIES OF GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA.

\_\_\_\_\_  
CHAIRPERSON DATE

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "FIFTH STREET SUBDIVISION" A TRACT OF LAND CONSISTING OF ALL OF LOTS 11 AND 12 AND PART OF LOTS 13 AND 14, ALL OF LAMBERT’S SUBDIVISION, GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND DO HEREBY DEDICATE THE ROAD RIGHT OF WAY, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER: AND HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE FOR PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS HERETO, AND HEREBY PROHIBITING THE PLANTING OF TREES, BUSHES AND SHRUBS, OR PLACING OTHER OBSTRUCTIONS UPON, OVER, ALONG OR UNDERNEATH THE SURFACE OF SUCH EASEMENTS; AND THAT THE FOREGOING ADDITION AS MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION HEREON AS APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT \_\_\_\_\_, NEBRASKA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
BY: \_\_\_\_\_, TITLE \_\_\_\_\_  
L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION

ACKNOWLEDGMENT

STATE OF NEBRASKA SS  
COUNTY OF HALL


ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BEFORE ME \_\_\_\_\_, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED BY: \_\_\_\_\_, TITLE \_\_\_\_\_  
L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT \_\_\_\_\_, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

OWNERS: L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION  
SUBDIVIDER: L & P INVESTMENTS, LLC, A NEBRASKA CORPORATION  
SURVEYOR: OLSSON  
ENGINEER: OLSSON  
NUMBER OF LOTS: 20

SHEET 2 OF 2



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USER: jjimenez  
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\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**FIFTH STREET SUBDIVISION**

(1 through 20)

In the City of Grand Island, Hall County Nebraska

The undersigned, L & P INVESTMENTS, L.L.C., a Nebraska Limited Liability Company, hereinafter called the Subdivider, as owner of a tract of land in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

A TRACT OF LAND CONSISTING OF ALL OF LOTS 11 AND 12 AND PART OF LOTS 13 AND 14, ALL IN LAMBERT'S SUBDIVISION, GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT CONTAINS A CALCULATED AREA OF 143,957.89 SQUARE FEET OR 3.305 ACRES MORE OR LESS OF WHICH 0.698 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY;

desires to have subdivided as a subdivision the foregoing tract of land 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 FIFTH STREET SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, 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 such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and of the street to the use of the public forever. In consideration of the acceptance of the plat of said FIFTH STREET 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 improvements:

1.     **Paving.** The Subdivider agrees to pave Fifth Street in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection with a minimum back of curb to back of curb width of 32 feet. If the Subdivider fails to pave Fifth Street, the City may create a paving district to perform such work. The Subdivider agrees to waive the right to object to the creation of any paving district for Congdon Avenue and Willow Street where they abut the subdivision.

2.     **Water.** Public water is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to 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.

3.     **Sanitary Sewer.** Public sanitary sewer will be available to the subdivision through an approved Sanitary Sewer Assessment District. The Subdivider participate in the assessment district to extend, connect and provide sanitary sewer service to 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.

4.     **Storm Drainage.** The Subdivider agrees to grade all lots in the subdivision in conjunction with the development proposed thereon so that storm drainage is conveyed to a public right-of-way or to other drainage systems so approved by the Director of Public Works. If the Subdivider fails to grade and maintain such drainage the City may create a drainage district to perform such work. The Subdivider agrees to waive the right to object to the creation of any drainage district benefitting the subdivision.

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

The Subdivider must select curb or conventional sidewalk for each street unless the requirement has been waived by Council.

| Street Name    | Curb sidewalk | Conventional Sidewalk | Sidewalk Requirement Waived by Council |
|----------------|---------------|-----------------------|--|
| Willow Street  |               |                       | Yes                                    |
| Congdon Avenue |               |                       | NO                                     |
| Fifth Street   |               |                       | NO                                     |

Immediate sidewalk construction adjacent to Willow Street shall be waived. However, the sidewalks shall be constructed when the property owner is directed to do so by the City Council. In the event a Street Improvement District is created to pave any public street in the subdivision, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk Policy.

6. **Existing Structures.** The Subdivider agrees to remove the existing structures on lots 11 and 12 within 90 days of filing this agreement.

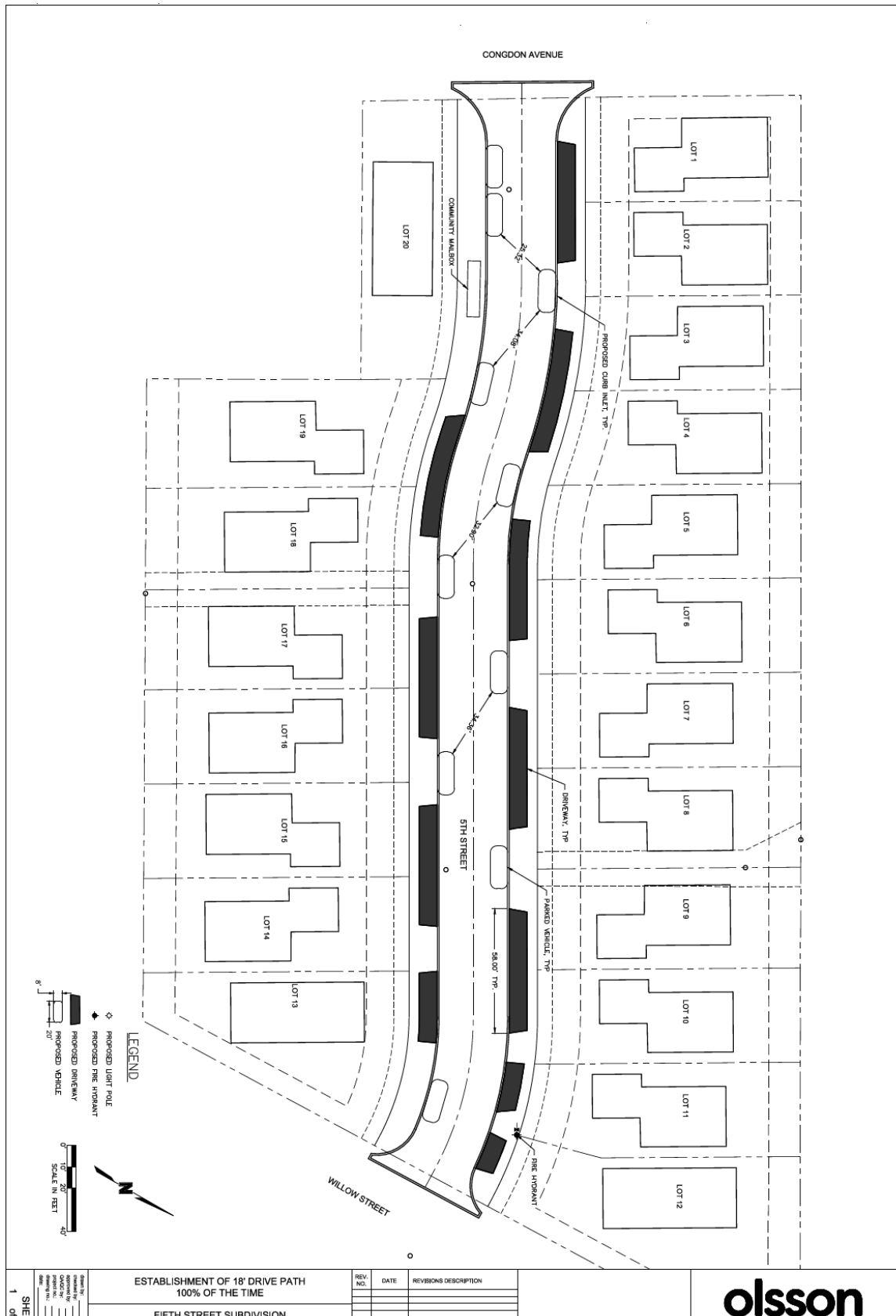
7. **Driveways:** Driveways along Fifth Street shall be limited to the locations shown on the attached driveway exhibit if the street is constructed with a back of curb to back of curb width of 32 feet.

8. **Easements.** Any easements shall be kept free of obstructions and the Subdivider shall indemnify the City for any removal or repair costs caused by any obstructions. In addition, the duty to maintain the surface of any easements to keep them clear of any worthless vegetation or nuisance shall run with the land.

9.     **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a professional engineer registered in the State of Nebraska and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of improvements under construction shall be performed under the supervision of a professional engineer registered in the State of Nebraska, and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City of Grand Island. An "as built" set of plans and specifications including required test results bearing the seal and signature of a professional engineer registered in the State of Nebraska shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

10.    **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 FIFTH STREET SUBDIVISION, and that an abstract of title or title insurance commitment will be submitted for examination, if necessary, upon request of the City of Grand Island.

11.    **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. 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 \_\_\_\_\_, 2019.

L & P INVESTMENTS, L.L.C., A  
NEBRASKA LIMITED LIABILITY  
COMPANY, Subdivider

By: \_\_\_\_\_  
Marc Startostka, Managing Member

STATE OF NEBRASKA       )  
  ) ss  
COUNTY OF HALL        )

On \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marc Startostka, Managing Member of L & P INVESTMENTS L.L.C., a Nebraska Limited Liability Company, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of L & P INVESTMENTS L.L.C.

WITNESS my hand and notarial seal the date above written.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CITY OF GRAND ISLAND, NEBRASKA  
A Municipal Corporation

By: \_\_\_\_\_  
Roger G. Steele, Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_  
RaNae Edwards, City Clerk

STATE OF NEBRASKA   )  
                                  ) ss  
COUNTY OF HALL     )

On \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally came Roger G. Steele, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution 2019-\_\_\_\_\_, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal the date above written.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Resolution 2019-182

WHEREAS Known all men by these presents, that L & P Investments, LLC, A Nebraska Limited Liability Corporation, being the owners of the land described hereon, have caused the same to be surveyed, subdivided, platted and designated as "FIFTH STREET SUBDIVISION", a tract of land consisting of all lots 11 and 12 and part of lots 13 and 14, all of Lambert's Subdivision, City of Grand Island, Hall County, Nebraska and more particularly described as follows:

A TRACT OF LAND CONSISTING OF ALL OF LOTS 11 AND 12 AND PART OF LOTS 13 AND 14, ALL IN LAMBERT'S SUBDIVISION, GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 11, LAMBERT'S SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S00°56'46"E, ALONG THE NORTHEASTERLY LINE OF LAMBERT'S SUBDIVISION AND ALSO BEING THE WEST RIGHT-OF-WAY LINE OF WILLOW STREET, A DISTANCE OF 85.76 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 11; THENCE S00°55'57"E, ALONG SAID NORTHEASTERLY LINE AND SAID WEST R.O.W. LINE, A DISTANCE OF 262.71 FEET TO THE SOUTHEASTERLY LINE OF LOT 14, SAID LAMBERT'S SUBDIVISION; THENCE S61°00'53"W, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 14, A DISTANCE OF 5.71 FEET TO A POINT ON THE WEST R.O.W. LINE OF SAID WILLOW STREET; THENCE S61°06'34"W, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 195.43 FEET; THENCE S61°08'12"W A DISTANCE OF 98.37 FEET; THENCE N29°05'16"W A DISTANCE OF 100.05 FEET; THENCE S61°09'57"W A DISTANCE OF 129.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LAMBERT'S SUBDIVISION AND ALSO BEING THE NORTHEASTERLY R.O.W. LINE OF CONGDON AVENUE; THENCE N30°07'54"W, ALONG SAID SOUTHWESTERLY LINE AND SAID NORTHEASTERLY R.O.W. LINE, A DISTANCE OF 129.23 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 11; THENCE N29°42'13"W, ALONG SAID R.O.W. LINE, A DISTANCE OF 75.41 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 11; THENCE N60°48'19"E, ALONG THE NORTHERLY LINE OF SAID LOT 11, A DISTANCE OF 355.34 FEET TO THE SOUTHWESTERLY CORNER OF LOT 5, LAMBERT'S SUBDIVISION; THENCE N60°54'59"E, ALONG SAID NORTHWESTERLY LINE OF LOT 11, A DISTANCE OF 153.89 FEET TO THE SOUTHEASTERLY CORNER OF LOT 4, SAID LAMBERT'S SUBDIVISION; THENCE N60°43'31"E A DISTANCE OF 87.74 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 143,957.89 SQUARE FEET OR 3.305 ACRES MORE OR LESS OF WHICH 0.698 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY;

|                     |               |
|---------------------|---------------|
| Approved as to Form | by _____      |
| June 18, 2019       | City Attorney |

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement herein before described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of FIFTH STREET SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 11, 2019.

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Roger G. Steele, Mayor

Attest:

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Aaron Schmid, City Clerk Pro Tem