



City of Grand Island

Tuesday, August 27, 2019

Council Session

Item G-3

#2019-247 - Approving Final Plat and Subdivision Agreement for Darlings Landing Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: August 27, 2019

Subject: Darlings Landing Subdivision – Final Plat

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

Background

This property is located south of U.S Highway 34/Husker Highway and west of Shady Bend Road in Hall County, Nebraska. (1 lot, 0.839 acres). This property is zoned TA Transitional Agriculture. A tract of land consisting of all of Lot 2 of Niedfelt First Subdivision and a part of the Northeast Quarter of the Northeast Quarter (NE ¼ , NE ¼) of the 35-11-9 all in Hall County, Nebraska.

Discussion

The final plat for Darlings Landing Subdivision was considered by the Regional Planning Commission at the August 7, 2019 meeting.

A motion was made by Hendricksen and seconded Ruge by to approve the final plat as presented.

A roll call vote was taken and the motion passed with 7 members present and voting in favor (O'Neill, Ruge, Maurer, Rubio, Hendricksen, Randone and Kjar) 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

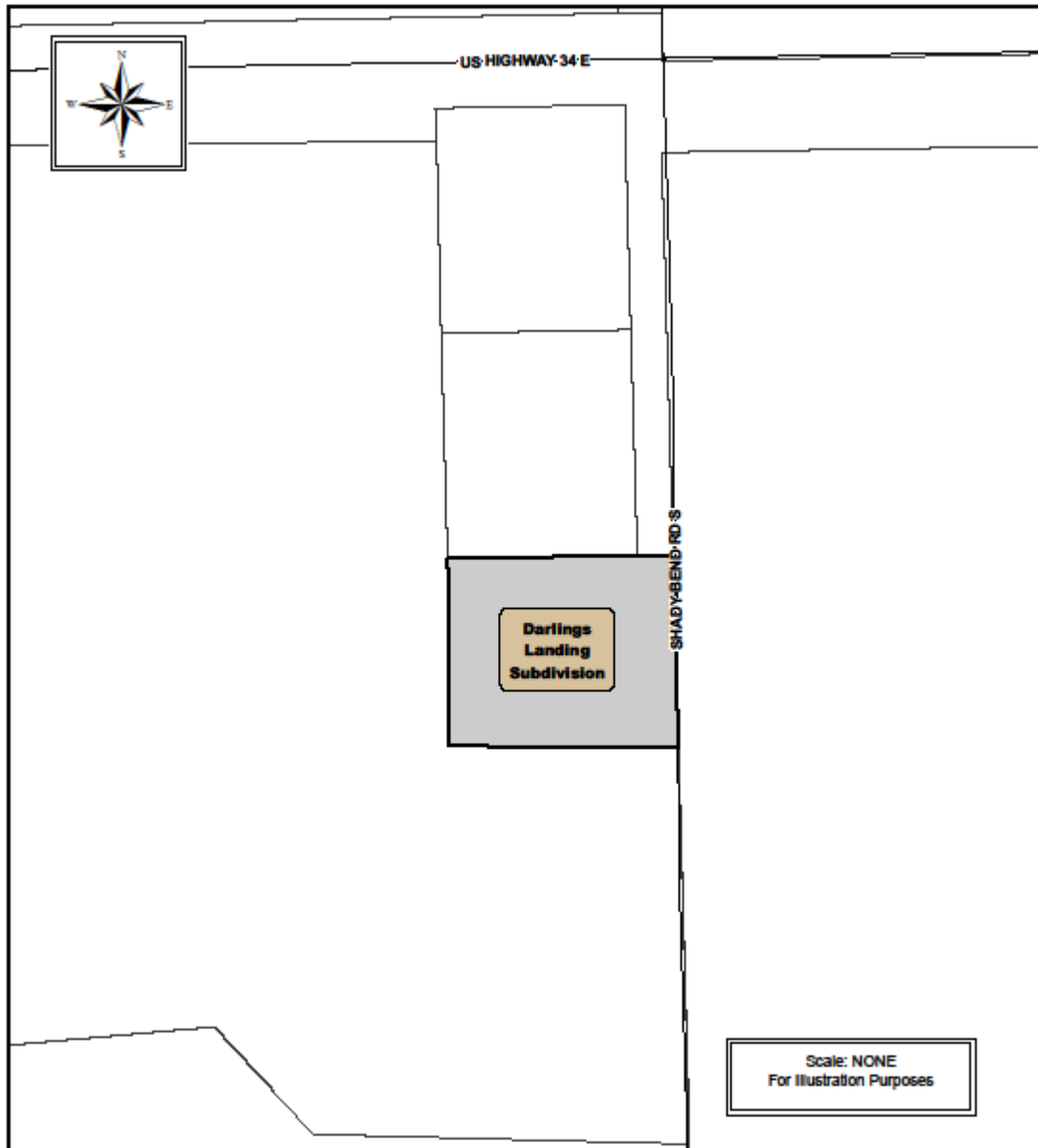
Recommendation

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

Sample Motion

Move to approve as recommended.

PROPOSED SUBDIVISION LOCATION MAP



THE PLANNING COMMISSION OF THE
VILLAGE OF GRAND ISLAND, ILLINOIS
OFFICE: 1000 N. 10TH ST., SUITE 100, GRAND ISLAND, ILLINOIS 60141

Developer/Owner

Brian Darling/Renee Ruzicka
3456 S. Shady Bend Road
Grand Island, NE 68801

Norbert Zoucha/Elizabeth Zoucha

To create 1 larger lot south of U.S. Highway 34 and west of Shady Bend Road in the Grand Island, Nebraska jurisdiction.

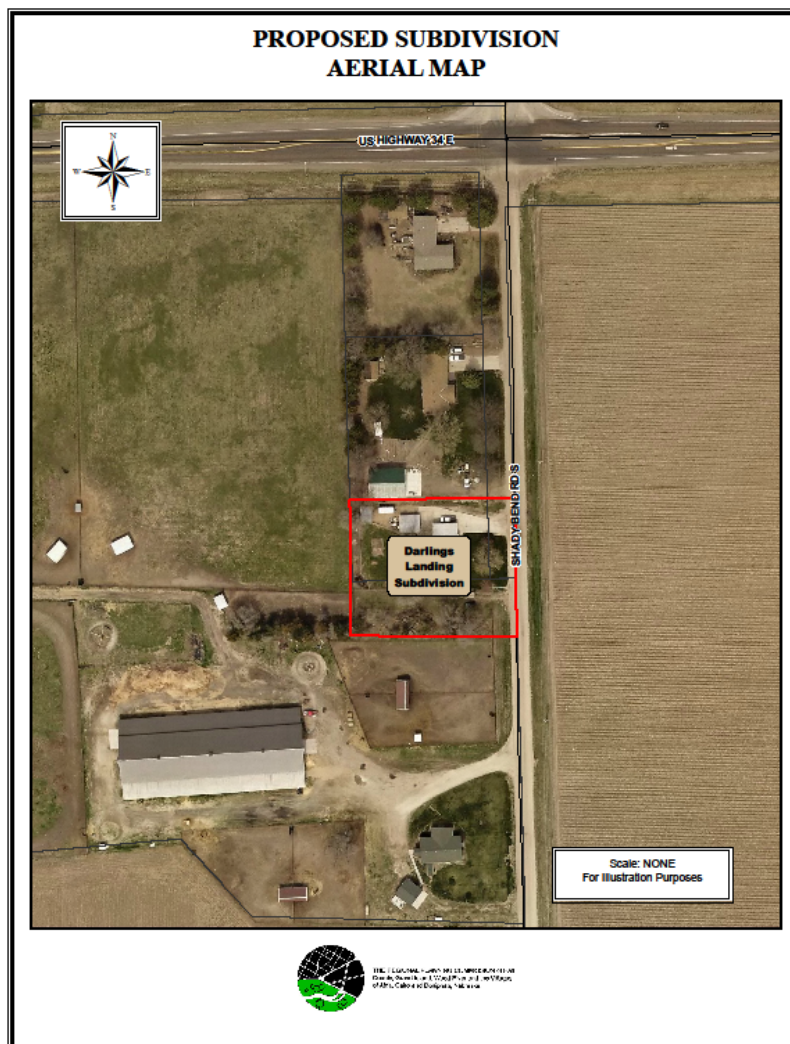
Size: 1 Lot 0.839 acres

Zoning: TA Transitional Agriculture

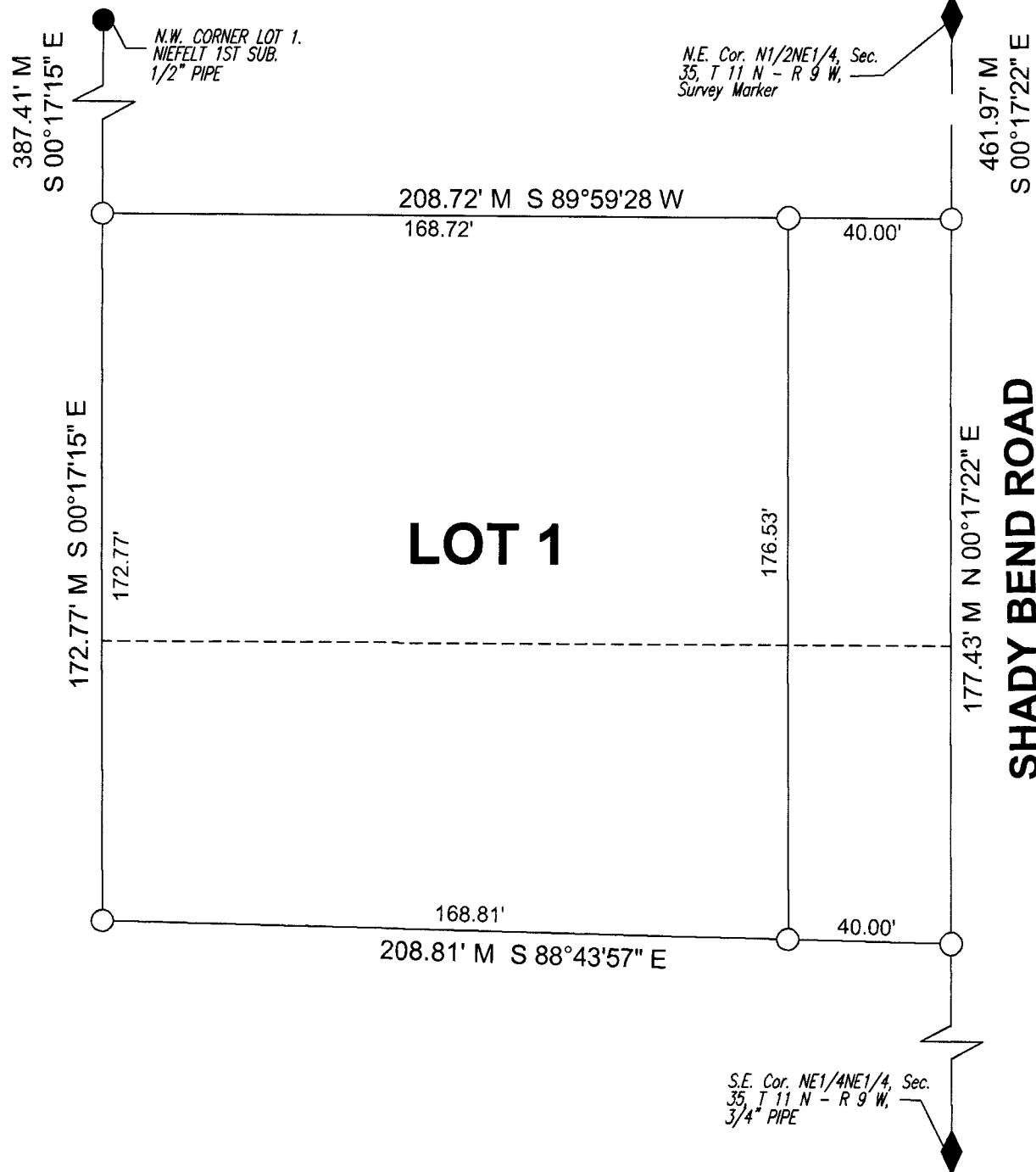
Road Access: Existing County Road (Shady Bend)

Water Public: City water is not available.

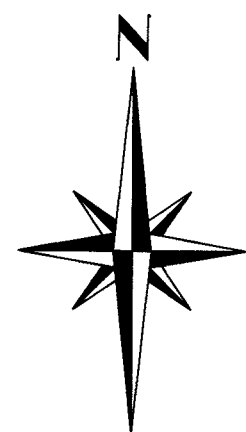
Sewer Public: City sewer is not available.



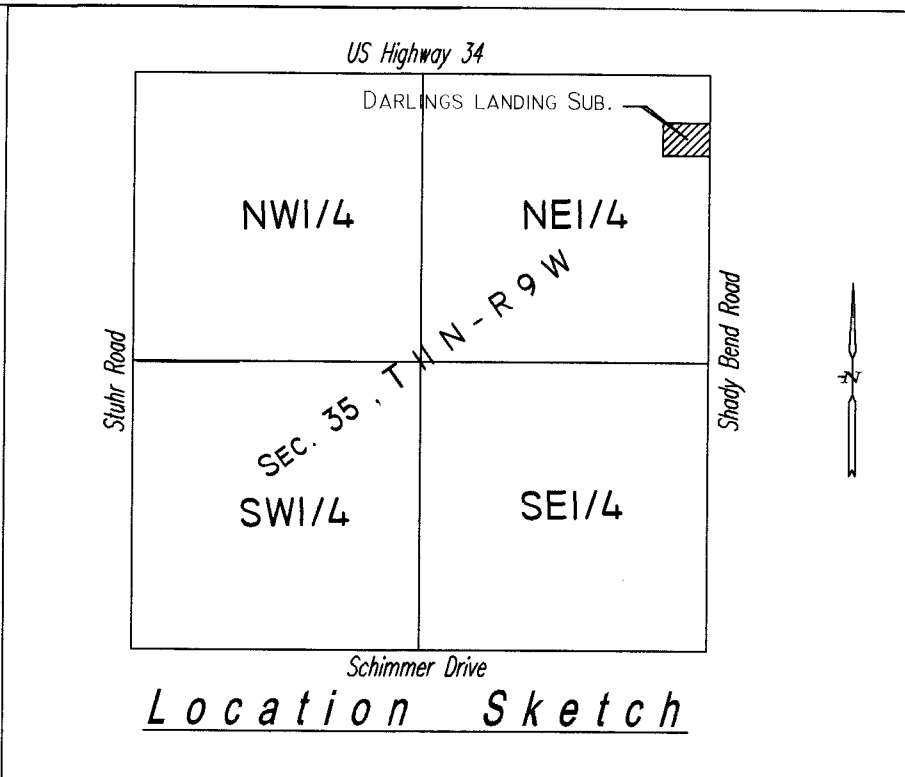
DARLINGS LANDING SUBDIVISION



LOT THREE (3) NIEDELT 1ST SUBDIVISION AND
PT. OF THE NE1/4NE1/4 SEC 35 T 11 N - R 9 W



Scale 1" = 40'



Location Sketch

LEGAL DESCRIPTION

A Tract of land comprising of Lot 3 Niedfelt 1st Subdivision and a part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirty-Five (35), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska more particularly described as Follow:

Commencing at the northeast corner of said Northeast Quarter of the Northeast Quarter (NE1/4NE1/4); thence on an Assumed bearing S 00°17'22" E, a distance of Four Hundred Sixty One and Ninety Seven Hundredths (461.97') feet, to the Actual point of beginning; thence S 89°59'28" W to the Southwest Corner Lot Two (2) Niedfelt First Subdivision, a distance of Two Hundred Eight and Seventy Two (208.72') feet, thence S 00°17'15" E , a distance of One Hundred Seventy Two and Seventy Seven Hundredths (172.77') feet, thence S 88°43'57" E, a distance of Two Hundred Eight and Eighty One hundredths (208.81') feet, thence N 00°17'22" W, a distance of One Hundred Seventy Seven and Forty Two Hundredths (177.42') feet, to the point of beginning, Said tract contains an area of 36546.468 Sq. Ft of which 7078.832 Sq. Ft. is reserved for road Right of Way.

SURVEYORS CERTIFICATE

I hereby certify that on June 5, 2019, I completed an accurate survey of 'DARLINGS LANDING SUBDIVISION', in Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof are well and accurately staked off and marked; that iron markers were placed at all lot corners; that the dimensions of each lot are as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

Brent D Cyboron
Nebraska Professional Registered Land Surveyor No. 727

APPROVALS

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island and Wood River, and The Villages of Alda, Cairo, and Doniphan, Nebraska

Chairman Date
Approved and accepted by the Hall County Board of Supervisors, this
Day of , 2019

Chairman of the Board Planning Director

Approved and accepted by the City of Grand Island, Hall County, Nebraska this
Day of , 2019

Mayor City Clerk

Legend
● - Corner Found 1/2" Pipe Unless Otherwise Noted
○ - 1/2 Rebar Placed W/Survey Cap Unless Otherwise Noted
● - Temporary Point
All Distances on Curves are
Chord Distance
R - Recorded Distance
M- Measured Distance

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Brian J Darling and Renee E. Ruzicka Husband and Wife, Norbert J. Zoucha, Trustee of the Norbert J. Zoucha Revocable Trust, and Elizabeth L Zoucha, Trustee of the Elizabeth L. Zoucha Revocable Living Trust, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as DARLINGS LANDING SUBDIVISION' in the City of Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, as shown thereon for the location, construction and maintenance of public service utilities, together with the right of ingress and egress thereto, 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 subdivision 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 owner and proprietor.

IN WITNESS WHEREOF, I have affixed my signature hereto, at Grand Island, Nebraska.

Brian J. Darling Renee E. Ruzicka Norbert J. Zoucha Elizabeth L. Zoucha
Trustee of the Norbert J. Zoucha Trustee of the Elizabeth L. Zoucha
Revocable Trust Revocable Living Trust
Date Date Date Date

ACKNOWLEDEGEMENT

State of Nebraska
County of Hall
On the ____day of _____, 2019, before me _____ a Notary Public within and for said County, personally appeared Brian J. Darling and Renee E Ruzicka, Husband and Wife, and to me personally known to be the identical person whose signature is affixed hereto, and that they did acknowledge the execution thereof to be their voluntary act and deed and the voluntary act and deed of said Company, and that he was empowered to make the above dedication for and in behalf of said Company.
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.
My commission expires _____ .20__

Notary Public
ACKNOWLEDEGEMENT

State of Nebraska
County of Hall
On the ____day of _____, 2019, before me _____ a Notary Public within and for said County, personally appeared Norbert J. Zoucha, Trustee of the Norbert J. Revocable Trust, and to me personally known to be the identical person whose signature is affixed hereto, and that he did acknowledge the execution thereof to be his voluntary act and deed and the voluntary act and deed of said Company, and that he was empowered to make the above dedication for and in behalf of said Company.
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.
My commission expires _____ .20__

Notary Public
ACKNOWLEDEGEMENT

State of Nebraska
County of Hall
On the ____day of _____, 2019, before me _____ a Notary Public within and for said County, personally appeared Elizabeth L. Zoucha, Trustee of the Elizabeth L. Zoucha Revocable Living Trust, and to me personally known to be the identical person whose signature is affixed hereto, and that she did acknowledge the execution thereof to be her voluntary act and deed and the voluntary act and deed of said Company, and that he was empowered to make the above dedication for and in behalf of said Company.
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.
My commission expires _____ .20__

Notary Public

INITIAL POINT SURVEYING LLC
410 S. Webb Rd.; Suite 4B
Grand Island, NE 68803
308-383-6754 Cell
308-675-4141 Office

LOCATION:
LOT THREE (3) NIEDELT FIRST SUBDIVISION AND A TRACT
IN THE Northeast Quarter of the Northeast Quarter
Section 35 - Township 11 N - Range 9 W

TITLE:
DARLINGS LANDING SUBDIVISION
FINAL PLAT

SCALE: AS SHOWN
1" = 40'

DATE:
6/27/19

DRAWN:
Brent C.

PAGE:
1 OF 1

DENOTES PREVIOUS DRAWING NO:
19-051

DRAWING NO:
19-051

REVISION:

Grand Island Council Session - 8/27/2019 Page 6 / 14

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

DARLINGS LANDING SUBDIVISION (Lot 1)

In the Jurisdiction of the City of Grand Island, Hall County Nebraska

The undersigned, BRIAN J. DARLING, RENNE E. RUZICKA, NOBERT J. ZOCHA AS TRUSTEE OF THE NOBERT J. ZOCCA REVOCABLE TRUST and ELIZABETH L. ZOUCHA AS TRUSTEE OF THE ELIZABETH L. ZOUCHA REVOCABLE LIVING TRUST, 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 comprising of Lot 3 Niedfelt 1st Subdivision and a part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirty-Five (35), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska more particularly described as Follow:

Commencing at the northeast corner of said Northeast Quarter of the Northeast Quarter (NE1/4NE1/4); thence on an Assumed bearing S 00°17'22" E, a distance of Four Hundred Sixty One and Ninety Seven Hundredths (461.97') feet, to the Actual point of beginning; thence S 89°59'28" W to the Southwest Corner Lot Two (2) Niedfelt First Subdivision, a distance of Two Hundred Eight and Seventy Two (208.72') feet, thence S 00°17'15" E , a distance of One Hundred Seventy Two and Seventy Seven Hundredths

(172.77') feet, thence S 88°43'57" E, a distance of Two Hundred Eight and Eighty One hundredths (208.81') feet, thence N 00°17'22" W, a distance of One Hundred Seventy Seven and Forty Two Hundredths (177.42') feet, to the point of beginning, Said tract contains an area of 36546.468 Sq. Ft of which 7078.832 Sq. Ft. is reserved for road Right of Way;

desires to have subdivided as a subdivision the foregoing tract of land located within the jurisdiction 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 DARLINGS LANDING 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 DARLING LANDING 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 waive the right to object to the creation of any paving or repaving district for Shady Bend Road where it abuts the subdivision.

2. **Water.** Public water supply is not available to the subdivision. Therefore, individual water well systems shall be permissible on an initial basis. The Subdivider waives the right to protest the creation of any future water district within or abutting the subdivision. 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.

3. **Sanitary Sewer.** Public sanitary sewer main is not available to the subdivision; therefore individual systems shall be permissible on an initial basis. However, the Subdivider waives the right to protest the creation of a sanitary sewer district within or abutting the subdivision.

4. **Storm Drainage.** The Subdivider agrees to provide and maintain positive drainage from all lots, according to the drainage plan, 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.** Immediate sidewalk construction adjacent to Shady Bend Road 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. **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.

7. **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.

8. **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 DARLING LANDING 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.

9. **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.

BRIAN J. DARLING, Subdivider

By: _____
Brian J. Darling

By: _____
Renee E. Ruzicka

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 Brian J. Darling, 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 Brian J. Darling.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

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 Renee E. Ruzicka, 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 Renee E. Ruzicka.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

- 5 -

NOBERT J. ZOUCHA AS TRUSTEE OF
THE NOBERT J. ZOUCHA REVOCABLE
TRUST, Subdivider

By: _____
Norbert J. Zoucha

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 Nobert J. Zoucha, as Trustee of the Nobert J. Zoucha Revocable Trust 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 Norbert J. Zoucha, as Trustee of the Nobert J. Zoucha Revocable Trust.

ELIZABETH L. ZOUCHA AS TRUSTEE
OF THE ELIZABETH J. ZOUCHA
REVOCABLE LIVING TRUST, Subdivider

By: _____
Elizabeth J. Zoucha

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 Elizabeth J. Zoucha, as Trustee of the Elizabeth J. Zoucha Revocable Living Trust 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 Elizabeth J. Zoucha, as Trustee of the Elizabeth J. Zoucha Revocable Living Trust.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

RESOLUTION 2019-247

WHEREAS know all men by these presents, that Brian J Darling and Renee E. Ruzicka Husband and Wife, Norbert J. Zoucha, Trustee of the Norbert J. Zoucha Revocable Trust, and Elizabeth L Zoucha, Trustee of the Elizabeth L. Zoucha Revocable Living Trust being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “DARLINGS LANDING SUBDIVISION”, A tract of land comprising a part of the Northeast Quarter of the Northeast Quarter (NE1/4,NE1/4) of Section Thirty-five (35), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska; and

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 DARLINGS LANDING 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.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 27, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 11, 2019	☐ City Attorney