



City of Grand Island

Tuesday, August 27, 2019

Council Session

Item G-4

**#2019-248 - Approving Final Plat and Subdivision Agreement for
The Orchard 2nd Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: August 27, 2019

Subject: The Orchard 2nd Subdivision – Final Plat

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

Background

This property is located north of south of Capital Avenue and west of the Central Nebraska Railroad line in Grand Island, Nebraska. (8 lots, 0.568 acres). This property is zoned R-3SL Medium Density Small Lot Residential. In part of the Northwest Quarter (NW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) west of the 6th P.M., in Grand Island, Hall County, Nebraska.

Discussion

The final plat for The Orchard 2nd Subdivision was considered by the Regional Planning Commission at the August 7, 2019 meeting.

A motion was made by Maurer and seconded Randone 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:

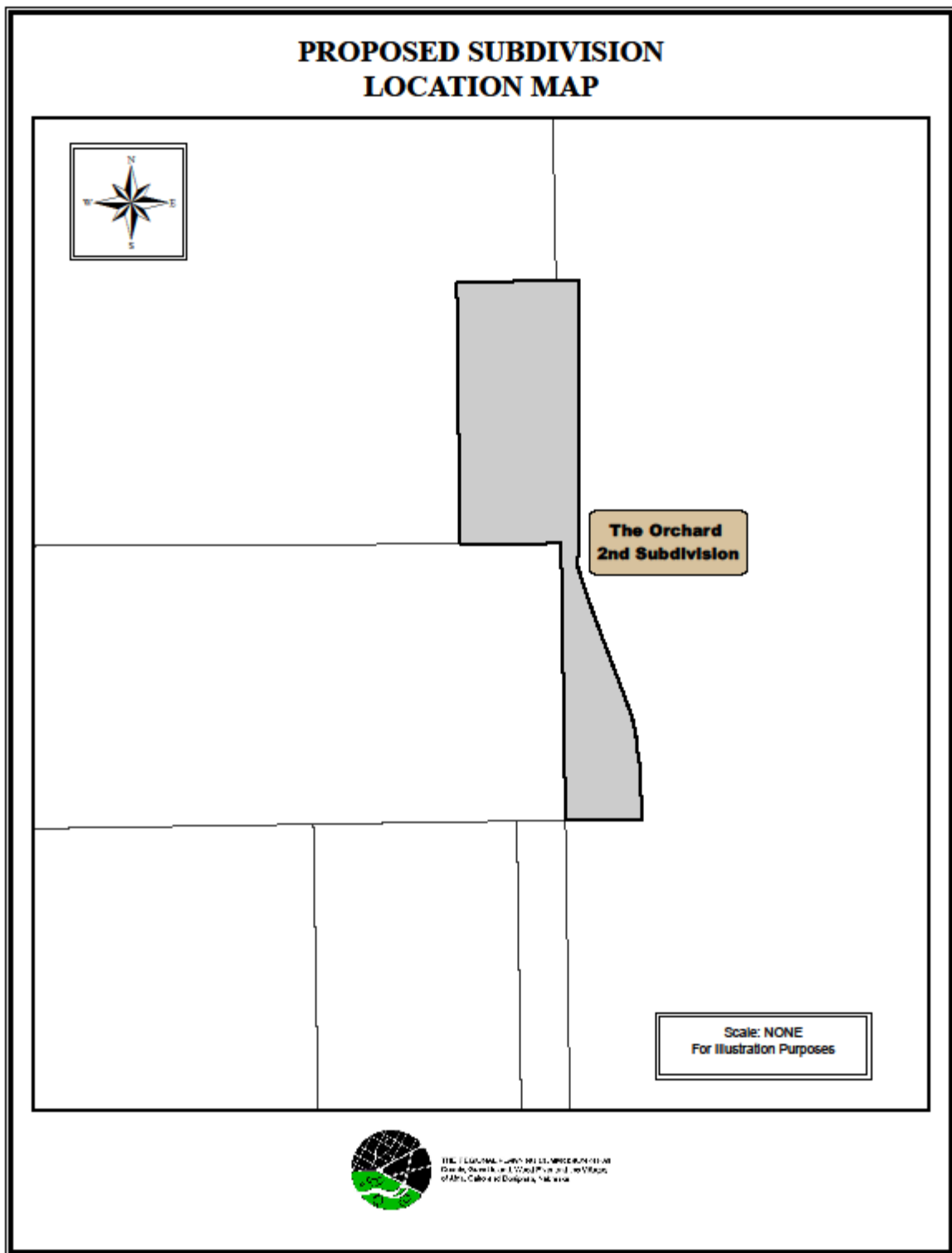
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.



Developer/Owner
The Orchard, LLC

5631 S 48th
Lincoln, NE 68516

To create 25 lot east Engleman Road along Little Bluestem Drive in Grand Island, Nebraska.

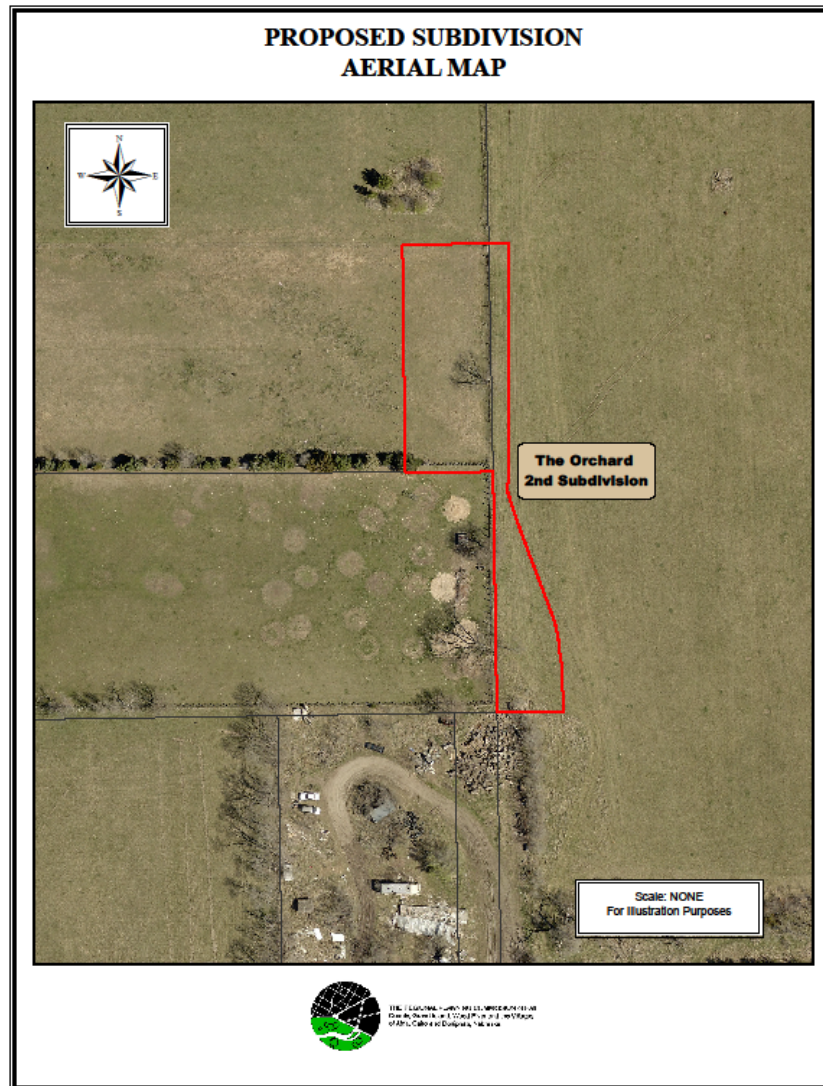
Size: 7 Lots – 0.568 acres

Zoning: R-3SL Medium Density Small Lot Residential

Road Access: 37 foot wide Public Streets will be constructed along the outlot and 32 foot along the housing lots.

Water Public: City water is available.

Sewer Public: City sewer is available.



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

THE ORCHARD 2ND SUBDIVISION

(Outlot A, Lots 1-7)

In the City of Grand Island, Hall County Nebraska

WHEREAS THE ORCHARD, LLC; a Nebraska Limited Liability Company, hereinafter called the Subdivider, whether one or more, as owner of a tract of land in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

LOTS 7, 8, 9, 10 AND 11, BLOCK 2, AND ALL OF OUTLOT "B", THE ORCHARD SUBDIVISION. LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE 6TH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 2, THE ORCHARD SUBDIVISION, A #5 REBAR WITH CAP MARKED HUSKER 440, FOUND FOR CORNER; THENCE SOUTHERLY ON AN ASSUMED BEARING OF SOUTH 00°35'08" EAST, ON THE WESTERLY RIGHT OF WAY LINE OF PEACH STREET, ON THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 00°35'08" EAST, 171.24 FEET, TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 21°27'00", WITH A CHORD BEARING OF SOUTH 11°19'20" EAST, A CHORD DISTANCE OF 122.82

FEET, TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 21°27'51", WITH A CHORD BEARING OF SOUTH 11°18'54" EAST, A CHORD DISTANCE OF 100.56 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 00°34'59" EAST, 1.25 FEET, TO THE SOUTHEAST CORNER OF OUTLOT "B", THE ORCHARD SUBDIVISION; THENCE DEPARTING THE WESTERLY RIGHT OF WAY LINE OF PEACH STREET, WESTERLY SOUTH 89°25'01" WEST, ON THE SOUTHERLY LINE OF OUTLOT "B", THE ORCHARD SUBDIVISION, 56.56 FEET, TO THE SOUTHWEST CORNER OF OUTLOT "B", THE ORCHARD SUBDIVISION; THENCE NORTHERLY, NORTH 00°35'14" WEST, ON THE WESTERLY LINE OF OUTLOT "B", THE ORCHARD SUBDIVISION, 199.80 FEET, TO THE NORTHEAST CORNER OF LOT 2, NORWOOD SECOND SUBDIVISION; THENCE WESTERLY SOUTH 89°40'32" WEST, ON THE NORTHERLY LINE OF LOT 2, NORWOOD SECOND SUBDIVISION, 75.00 FEET, TO A POINT OF INTERSECTION ON THE WESTERLY LINE OF BLOCK 2, THE ORCHARD SUBDIVISION; THENCE DEPARTING THE NORTHERLY LINE OF LOT 2, NORWOOD SECOND SUBDIVISION, NORTHERLY, NORTH 00°35'50" WEST, ON THE WESTERLY LINE OF SAID BLOCK 2, 191.80 FEET, TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 2, THE ORCHARD SUBDIVISION; THENCE EASTERLY, NORTH 89°24'10" EAST, ON THE SOUTHERLY LINE OF LOT 6, BLOCK 2, THE ORCHARD SUBDIVISION, 90.00 FEET, TO THE POINT OF BEGINNING. CONTAINING A TOTAL CALCULATED AREA OF 24,729 SQUARE FEET, OR 0.568 ACRES, MORE OR LESS;

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 THE ORCHARD 2ND 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 ORCHARD 2ND 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 Peach Street where it abuts 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 is available to the subdivision and the Subdivider agrees 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
Peach Street			NO
			NO

6. **Driveways.** Driveways along the 32 foot sections of Peach Street shall be limited to the locations shown on the attached driveway exhibit as attached.

7. **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.

8. **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.

9. **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 ORCHARD 2ND 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.

10. **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 _____, 2018.

THE ORCHARD, LLC, A NEBRASKA
LIMITED LIABILITY COMPANY,
Subdivider

By: _____
Ward F. Hoppe, 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 Ward F. Hoppe, Member of The Orchard, LLC, 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 The Orchard, LLC.

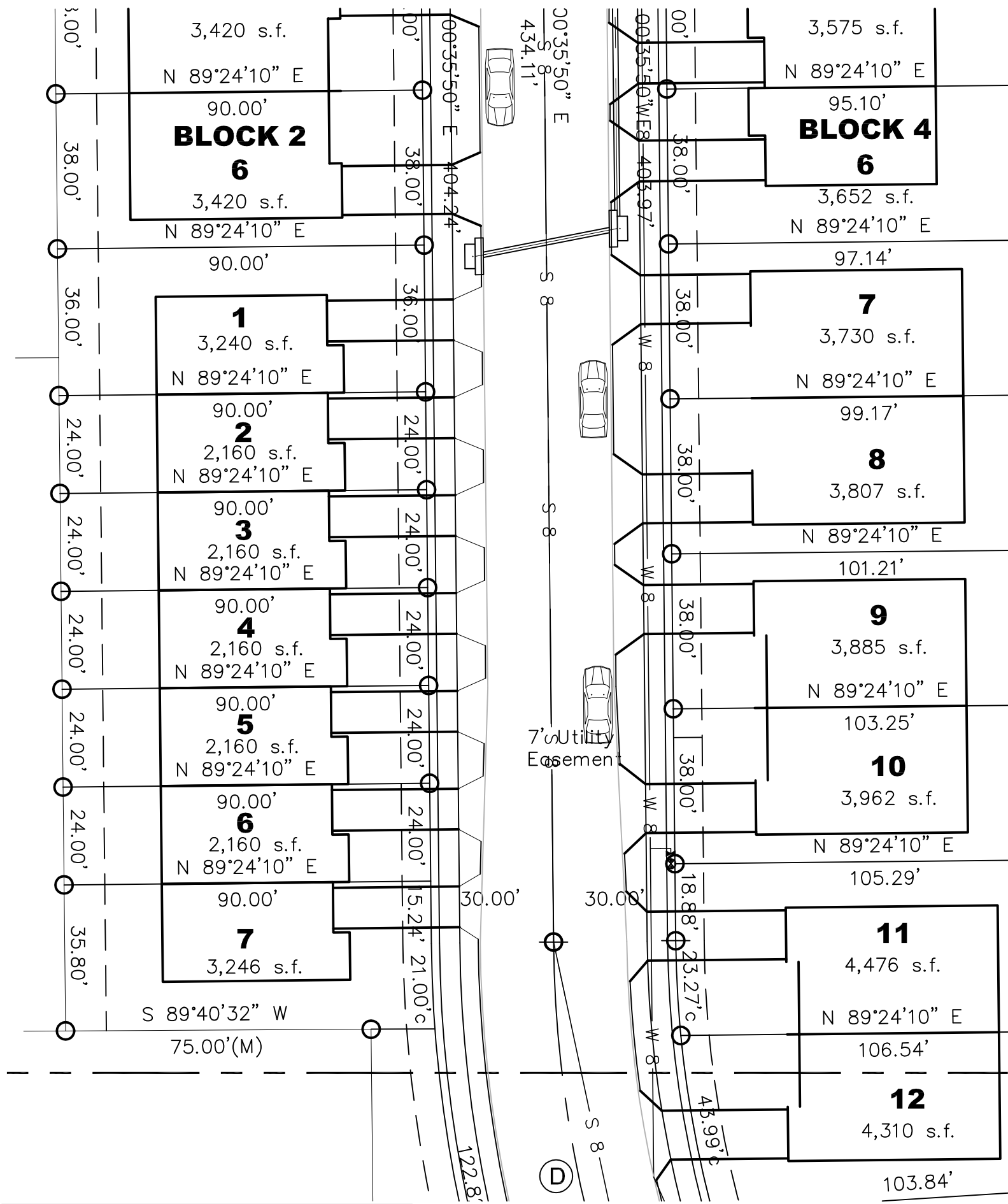
WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

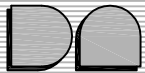
By: _____
Roger G. Steele, Mayor

RaNae Edwards, City Clerk



Design Associates

of Lincoln, Inc.



ARCHITECTS • ENGINEERS • PLANNERS

PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508
Voice: 402-474-3000 office@DAofLincoln.com Fax: 402-474-4045



THE ORCHARD 2ND SUB.

SCALE: 1" = 30'

15 AUG 2019

THE ORCHARD 2ND SUBDIVISION

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
FINAL PLAT

LEGAL DESCRIPTION

LOTS 7, 8, 9, 10 AND 11, BLOCK 2, AND ALL OF OUTLOT "B", THE ORCHARD SUBDIVISION. LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE 6TH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING A TOTAL CALCULATED AREA OF 24,729 SQUARE FEET, OR 0.568 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON JULY 2, 2019, I COMPLETED AN ACCURATE SURVEY (MADE UNDER MY SUPERVISION) OF "THE ORCHARD 2ND SUBDIVISION", IN THE CITY OF GRAND ISLAND, 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 CORNERS 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.

JAYME M. MALONE, L.S. 440

DATE



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WARD F. HOPPE, MEMBER OF THE ORCHARD, LLC, BEING THE OWNER OF THE LAND DESCRIBED HEREON, HAS CAUSED SOME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "THE ORCHARD 2ND SUBDIVISION", IN THE CITY OF GRAND ISLAND, HALL COUNTY NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF, AND DO HEREBY DEDICATE THE STREETS AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER, AND THE EASEMENTS AS SHOWN THEREON FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE OF PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS THERE TO, 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 THE PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR.

IN WITNESS WHEREOF, WE HAVE AFFIXED OUR SIGNATURES HERETO, AT GRAND ISLAND, NEBRASKA, THE DAY OF _____, 2019.

WARD F. HOPPE, MANAGER OF THE ORCHARD, LLC

ACKNOWLEDE GEMENT

STATE OF NEBRASKA)
) SS
COUNTY OF LANCASTER)

ON THE ____ DAY OF _____, 20____, BEFORE ME, _____ A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED WARD F. HOPPE, MANAGER OF THE ORCHARD, LLC, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO, AND THEY DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

(SEAL)

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 CITY OF GRAND ISLAND, NEBRASKA
THIS ____ DAY OF _____, 20____.

MAYOR

CITY CLERK

(SEAL)

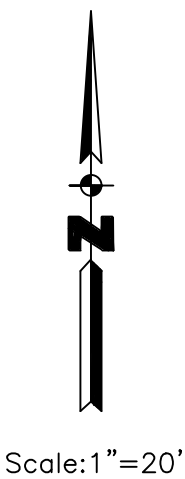
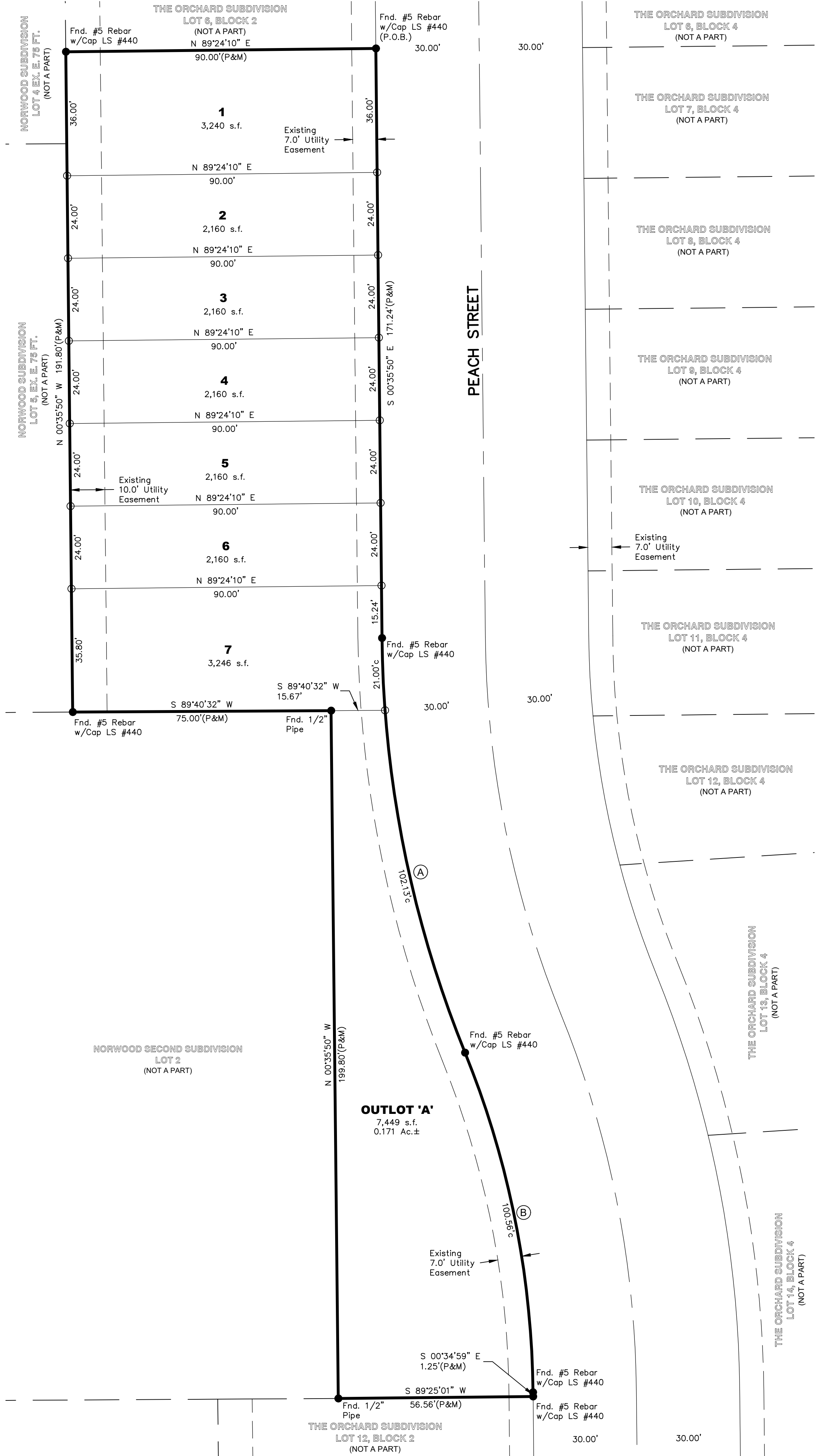


OWNER: WARD F. HOPPE, MANAGER OF THE ORCHARD, LLC
SUBDIVIDER: THE ORCHARD, LLC
SURVEYOR: JAYME M. MALONE, HUSKER SURVEYING, LLC
ENGINEER: DESIGN ASSOCIATES OF LINCOLN, INC.
NUMBER OF LOTS: 7

THE ORCHARD 2ND SUBDIVISION

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT



- = Cor. Fnd
- = Cor. Set #5
- Rebar w/cap #440
- (M) = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- c = Chord Dist.
- P.O.B. = Point of Beginning

CURVE DATA

(A) Δ=21°27'00" (P&M)
R=330.00' (P&M)
L=123.54' (P&M)
C=122.82' (P&M)
CB=S 11°19'20" E (P&M)

(B) Δ=21°27'51" (P&M)
R=270.00' (P&M)
L=101.15' (P&M)
C=100.56' (P&M)
CB=S 11°18'54" E (P&M)



OWNER: WARD F. HOPPE, MANAGER OF THE ORCHARD, LLC
SUBDIVIDER: THE ORCHARD, LLC
SURVEYOR: JAYME M. MALONE, HUSKER SURVEYING, LLC
ENGINEER: DESIGN ASSOCIATES OF LINCOLN, INC.
NUMBER OF LOTS: 7

RESOLUTION 2019-248

WHEREAS know all men by these presents, that Ward F Hoppe, member of the Orchard, LLC, being the sole owner of the land described hereon, have caused the same to be surveyed, subdivided, platted and designated as "THE ORCHARD 2ND SUBDIVISION", Being lots 7,8, 9, 10 and 11, block 2, and all of outlot "B", The Orchard Subdivision. Located in the Northwest Quarter (NW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the Sixth Principal Meridian, Hall County, Nebraska, and has caused a plat thereof to be acknowledged by it; 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 THE ORCHARD 2ND 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 23, 2019	☐ City Attorney