



# **City of Grand Island**

**Tuesday, August 27, 2019**

**Council Session**

## **Item G-5**

**#2019-249 - Approving Final Plat and Subdivision Agreement for Cedar Estates Subdivision**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** August 27, 2019

**Subject:** Cedar Estates Subdivision – Final Plat

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

## **Background**

This property is located south of Capital Avenue and east of Evergreen Lane in Merrick County, Nebraska. (2 lots, 6.95 acres). This property is zoned LLR Large Lot Residential. A tract of land comprising all of Lot 2 of Cedar Lane Subdivision and a part of the Northwest Quarter of the Northeast Quarter (NW ¼, NE ¼), all being in Section Seven (7), Township Eleven (11) North, Range Eight (8) West of the 6<sup>th</sup> P.M. Merrick County, Nebraska.

## **Discussion**

The final plat for Cedar Estates Subdivision was considered by the Grand Island/Merrick County Interjurisdictional Planning Commission at the August 7, 2019 meeting.

A motion was made by Weigert and second Rubio by to approve the final plat as presented.

A roll call vote was taken and the motion passed with 6 members present and voting in favor (Hendricksen, Randone, Rubio, Gamblin, Wiegert, and Riblett) and no members present voting no.

## **Alternatives**

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

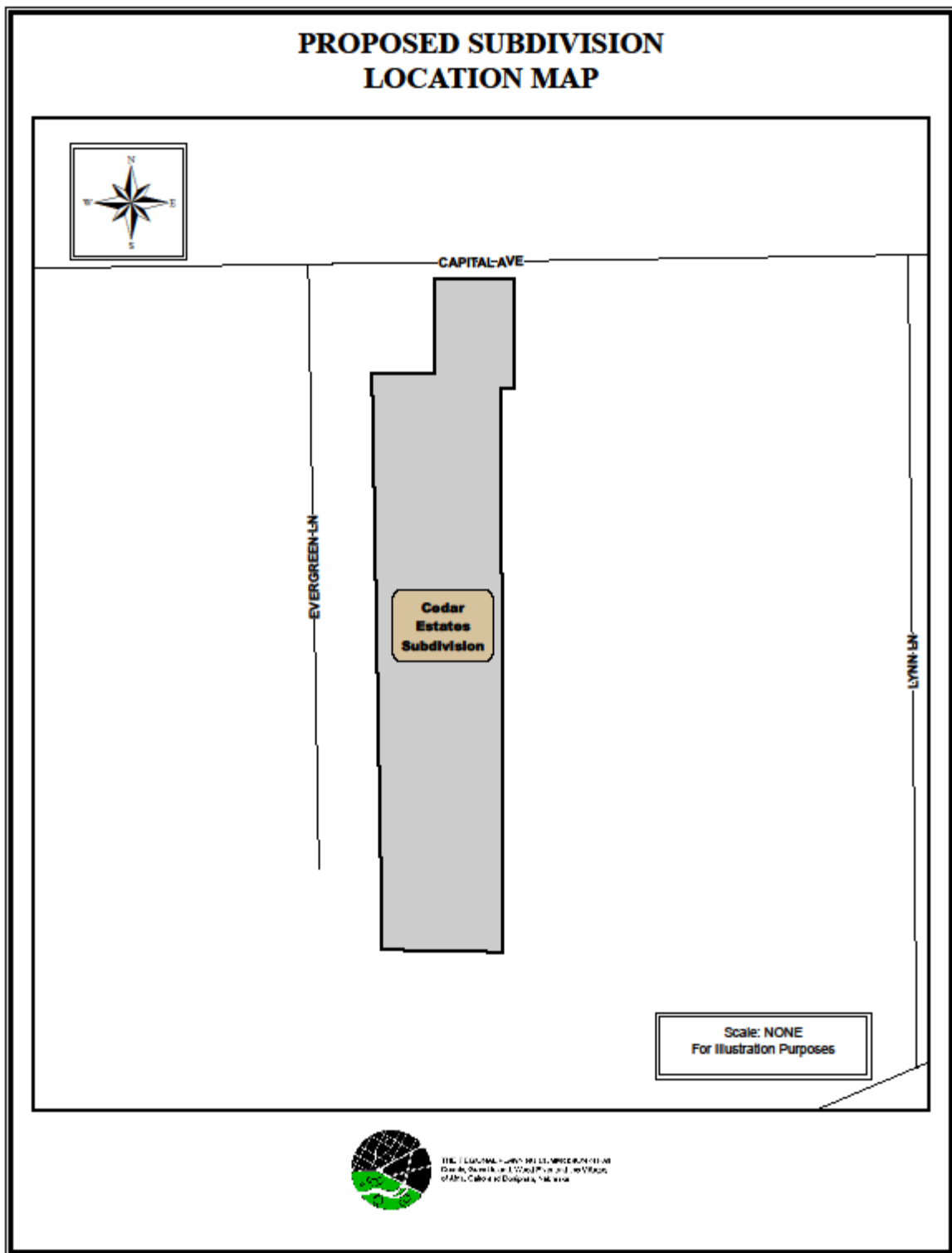
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

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

## **Sample Motion**

Move to approve as recommended.



**Developer/Owner**  
KYONIO COMPANY, A Nebraska Corporation

P.O. Box 760  
Grand Island, NE 68802  
Ron Dupue – 308-384-1635

Joel Leetch  
168 E. Capital Aveune  
Grand Island, NE 68801

To create **2 Lots**

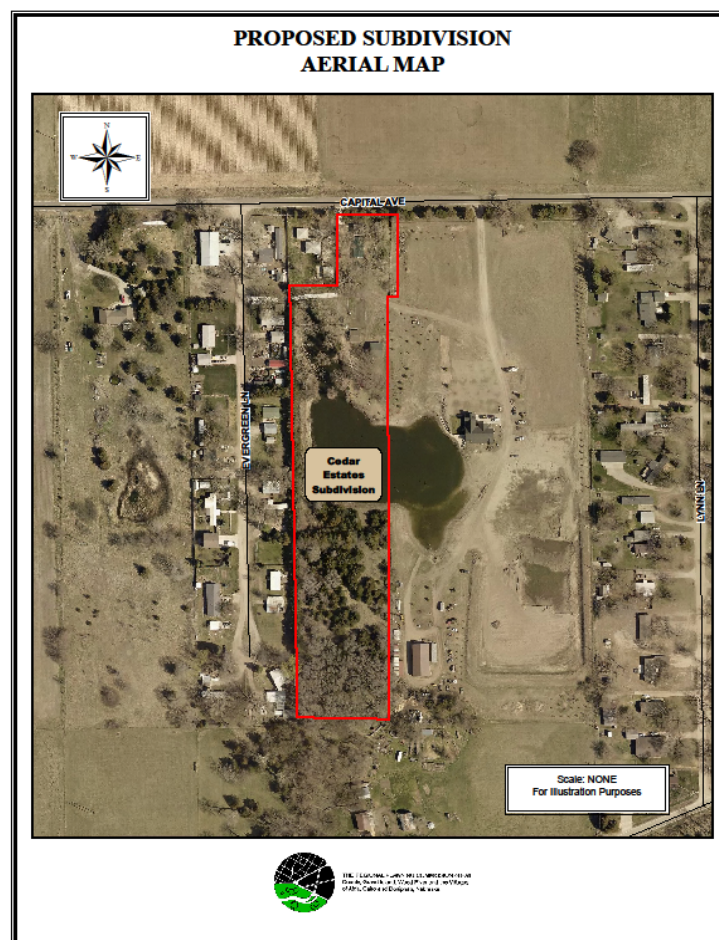
**Size: 6.95** acres

**Zoning:** LLR Large Lot Residential

**Road Access:** Existing County Road Capital Avenue.

**Water Public:** Public Water is available.

**Sewer Public:** No Sewer is available.





DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that KYONIO COMPANY, a Nebraska Corporation, being the owner of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "CEDAR ESTATES SUBDIVISION", Merrick County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, for the location, construction and maintenance of public utilities forever, 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 \_\_\_\_\_, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

KYONIO COMPANY  
a Nebraska Corporation

Christian Tschanz, President

ACKNOWLEDGEMENT

State of Nebraska

County of \_\_\_\_\_ ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, \_\_\_\_\_, a Notary Public within and for said County, personally appeared Christian Tschanz, President of KYONIO COMPANY, a Nebraska Corporation, to me personally known to the the identical person whose signature is affixed hereto, and he did acknowledge the execution thereof to be his voluntary act and deed as such President, and the voluntary act and deed of said Nebraska Corporation, and that he was empowered to make the above dedication for and in behalf of said Nebraska Corporation.

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

(SEAL)

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that I, Joel A. Leetch, a single person, being the owner of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "CEDAR ESTATES SUBDIVISION", Merrick County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, for the location, construction and maintenance of public utilities forever, 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 \_\_\_\_\_, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Joel A. Leetch

ACKNOWLEDGEMENT

State of Nebraska

County of \_\_\_\_\_ ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public within and for said County, personally appeared Joel A. Leetch, a single person, to me personally known to the the identical person whose signature is affixed hereto, and he did acknowledge the execution thereof to be his 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

(SEAL)

APPROVALS

Submitted to and approved by the Inter Jurisdictional Regional Planning Commission of the City of Grand Island and Merrick County, Nebraska.

Chairman

Date

Approved and accepted by the Merrick County Board of Supervisors, Merrick County, Nebraska, this \_\_\_\_\_ of \_\_\_\_\_, 2019.

Chairman of the Board

County Clerk

(SEAL)

Approved and accepted by the City of Grand Island, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Mayor

City Clerk

(SEAL)

CEDAR ESTATES SUBDIVISION

MERRICK COUNTY, NEBRASKA

BENJAMIN & ASSOCIATES, INC. - ENGINEERS & SURVEYORS - GRAND ISLAND, NEBRASKA

SHEET 2 OF 2

\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**CEDAR ESTATES SUBDIVISION**

(Lots 1 and 2)

In the Jurisdiction of the City of Grand Island, Nebraska

The undersigned, KYONIO COMPANY, a Nebraska Corporation and JOEL A. LEETCH, hereinafter called the Subdivider, as owner of a tract of land in the Jurisdiction of the City of Grand Island, Merrick County, Nebraska, more particularly described as follows:

A TRACT OF LAND COMPRISING ALL OF LOT TWO (2), CEDAR LANE SUBDIVISION AND A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  ), ALL BEING IN SECTION SEVEN (7), TOWNSHIP ELEVEN (11) NORTH, RANGE EIGHT (8) WEST OF THE 6<sup>TH</sup> P.M., MERRICK COUNTY, NEBRASKA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  ), SAID POINT BEING FOUR HUNDRED SEVENTY TWO AND THIRTY TWO HUNDREDTHS (472.32) FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER



(NW ¼ NE ¼ ); THENCE N89°36'35"W, ALONG AND UPON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ), A DISTANCE OF TWENTY FIVE (25.00) FEET TO THE NORTHEAST CORNER OF SAID LOT TWO (2); THENCE CONTINUING ALONG AND UPON THE PREVIOUSLY DESCRIBED COURSE, AND ALSO BEING ALONG AND UPON THE NORTH LINE OF SAID LOT TWO (2), A DISTANCE OF ONE HUNDRED TWENTY THREE AND FIFTY ONE HUNDREDTHS (123.51) FEET TO A NORTHWEST CORNER OF SAID LOT TWO (2); THENCE S00°11'11" W, ALONG AND UPON A WEST LINE OF SAID LOT TWO (2), A DISTANCE OF TWO HUNDRED EIGHT (208.00) FEET TO A CORNER OF SAID LOT ONE (1); THENCE N89°38'24" W, ALONG AND UPON A NORTH LINE OF SAID LOT TWO (2), A DISTANCE OF ONE HUNDRED TWENTY AND FOUR HUNDREDTHS (120.04) FEET TO A NORTHWEST CORNER OF SAID LOT TWO (2); THENCE S00°11'03" W, ALONG AND UPON A WEST LINE OF SAID LOT TWO (2), A DISTANCE OF ONE THOUSAND ONE HUNDRED SEVEN AND FORTY SIX HUNDREDTHS (1,107.46) FEET TO THE SOUTHWEST CORNER OF SAID LOT TWO (2), SAID POINT (AS DESCRIBED ON PLAT OF CEDAR LANE SUBDIVISION) ALSO BEING ON THE SOUTH OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ); THENCE S89°47'08"E, ALONG AND UPON THE SOUTH LINE OF SAID LOT TWO (2), AND BEING ALONG AND UPON (AS DESCRIBED ON PLAT OF SAID CEDAR LANE SUBDIVISION) THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) TO THE SOUTHEAST CORNER OF SAID LOT TWO (2); THENCE N00°08'48"E, ALONG AND UPON THE EAST LINE OF SAID LOT TWO (2), A DISTANCE OF ONE THOUSAND FORTY ONE AND FOUR HUNDREDTHS (1,041.04) FEET; THENCE S89°36'35"E, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ), AND ALSO BEING PARALLEL WITH THE NORTH LINE OF SAID LOT TWO (2), A DISTANCE OF TWENTY FIVE (25.00) FEET; THENCE N00°08'48"E, PARALLEL WITH THE EAST LINE OF SAID LOT TWO (2), A DISTANCE OF TWO HUNDRED SEVENTY THREE AND SEVENTY FOUR HUNDREDTHS (273.74) FEET TO THE POINT OF BEGINNING AND CONTAINING 6.950 ACRES, MORE OR LESS, OF WHICH, 0.136 ACRES IS

PRESENTLY OCCUPIED BY PUBLIC 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 CEDAR ESTATES 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 Interjurisdictional 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 CEDAR ESTATES 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 Capital Avenue 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 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 Capital Avenue 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 that the accessory structures on Lot 2 become illegal when separated from the house (principal use) on Lot 1. The Subdivider agrees to correct this issue by adding a permitted principal use, such as a house to Lot 2 within 1 year of the time this subdivision is filed with the Register of Deeds.

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 CEDAR ESTATES 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 \_\_\_\_\_, 2019.

KYONIO COMPANY, A NEBRASKA  
CORPORATION, Subdivider

By: \_\_\_\_\_  
Christian Tschanz, President

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 Christian Tschanz, President of Kyonio Company, a Nebraska Corporation, 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 Kyonio Company.

WITNESS my hand and notarial seal the date above written.

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

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

JOEL A. LEETCH, Subdivider

By: \_\_\_\_\_  
Joel A. Leetch

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 Joel A. Leetch, 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 Joel A. Leetch.

WITNESS my hand and notarial seal the date above written.



RESOLUTION 2019-249

WHEREAS know all men by these presents, that KYONIO COMPANY, A Nebraska Corporation and Joel Leetch being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "CEDAR ESTATES SUBDIVISION", A tract of land comprising all of Lot Two (2), Cedar Lane Subdivision and a part of the Northwest Quarter of the Northeast Quarter (NW ¼, NE ¼ ) of Section Seven (7), Township Eleven (11) North, Range Eight (8) West of the 6<sup>th</sup> P.M., Merrick County, Nebraska.

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, and Merrick 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; and

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 CEDAR ESTATES 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, August 27, 2019.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 23, 2019	☐ City Attorney