



City of Grand Island

Tuesday, September 24, 2019

Council Session

Item G-10

#2019-289 - Approving Final Plat and Subdivision Agreement for Wanda's Estate Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: September 10, 2019

Subject: Wanda's Estate Subdivision – Final Plat

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

Background

This property is located west of Locust Street and south Lake Street, just south of the old Honda Shop in Grand Island, Nebraska. (2 lots, 10.017 acres). This property is zoned LLR Large Lot Residential. A tract of land in the Southeast Quarter of the Northeast Quarter (NW1/4,) of Section Thirty-three (33), Township Eleven (11) north, Range Nine (9) west of the 6th P.M., in Grand Island, Hall County, Nebraska.

Discussion

The final plat for Wanda's Estate Subdivision was considered by the Regional Planning Commission at the September 4, 2019 meeting.

A motion was made by Maurer and second by Ruge 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 (Nelson, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Rubio, Hendricksen and Kjar) and 1 member present voting no (Randone).

Alternatives

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

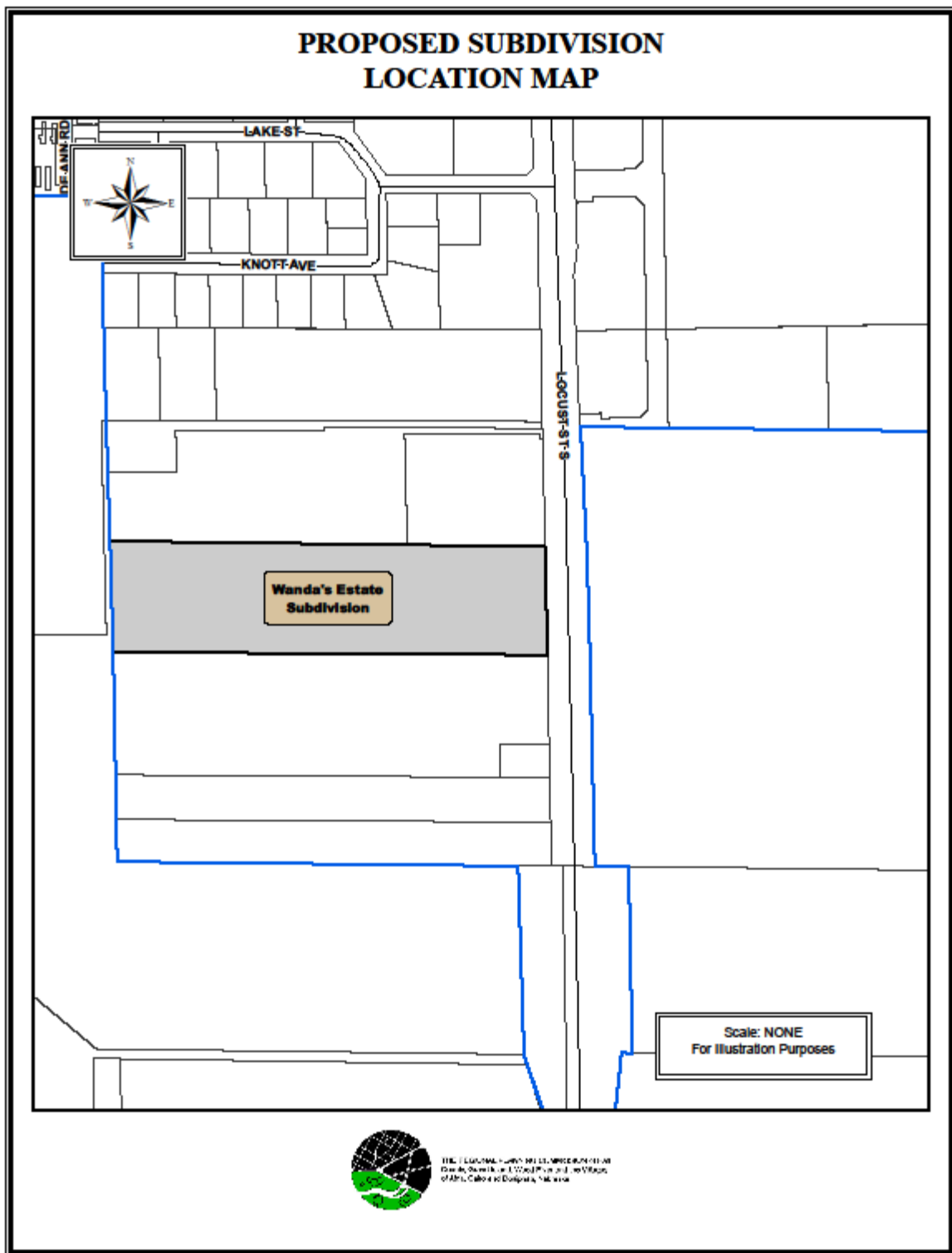
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.



Developer/Owner
Wanda A. Kayl

3642 South Locust
Grand Island, NE 68801

To create 1 lot with Lewis Greenscape and the house to the west of the business and the farm ground to the south and east in Grand Island, Nebraska.

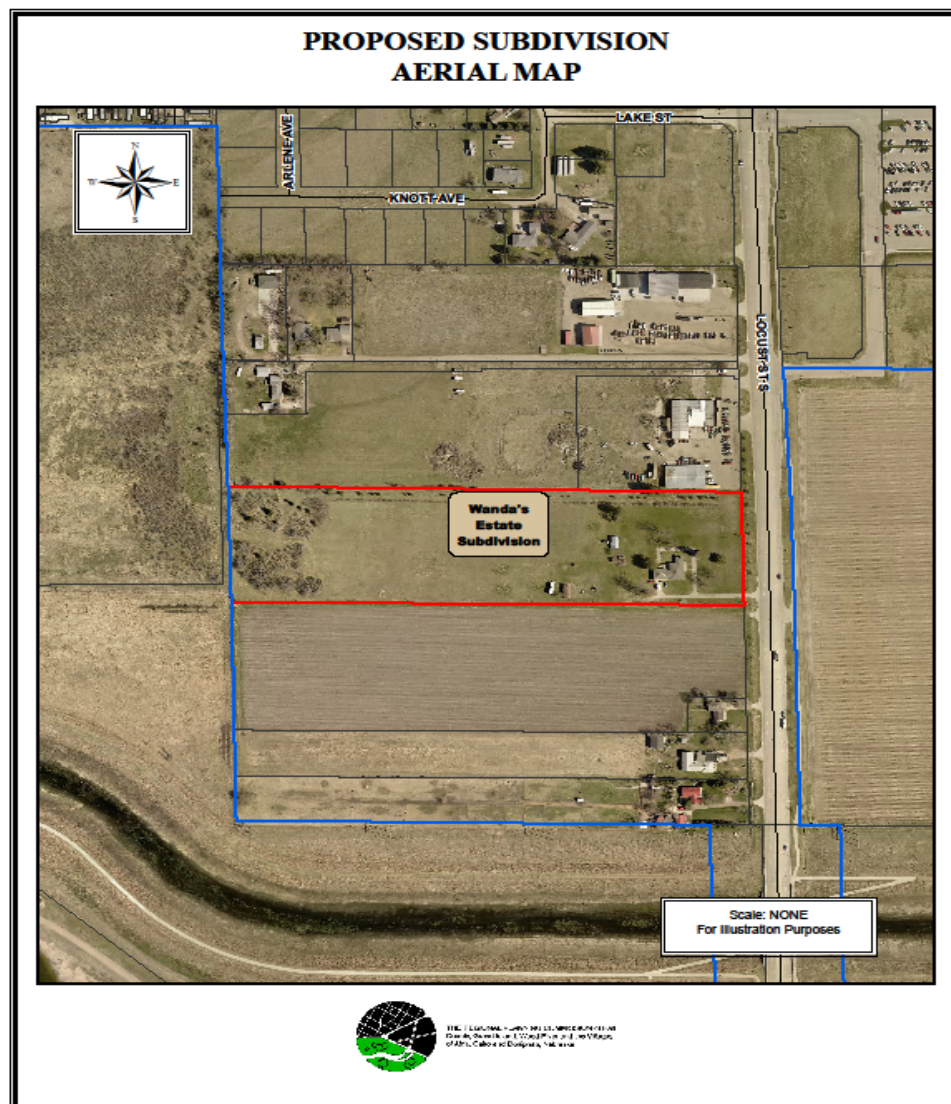
Size: 10.017 Acres 2 Lots

Zoning: LLR – Large Lot Residential

Road Access: Wildwood Drive is rural section county highway.

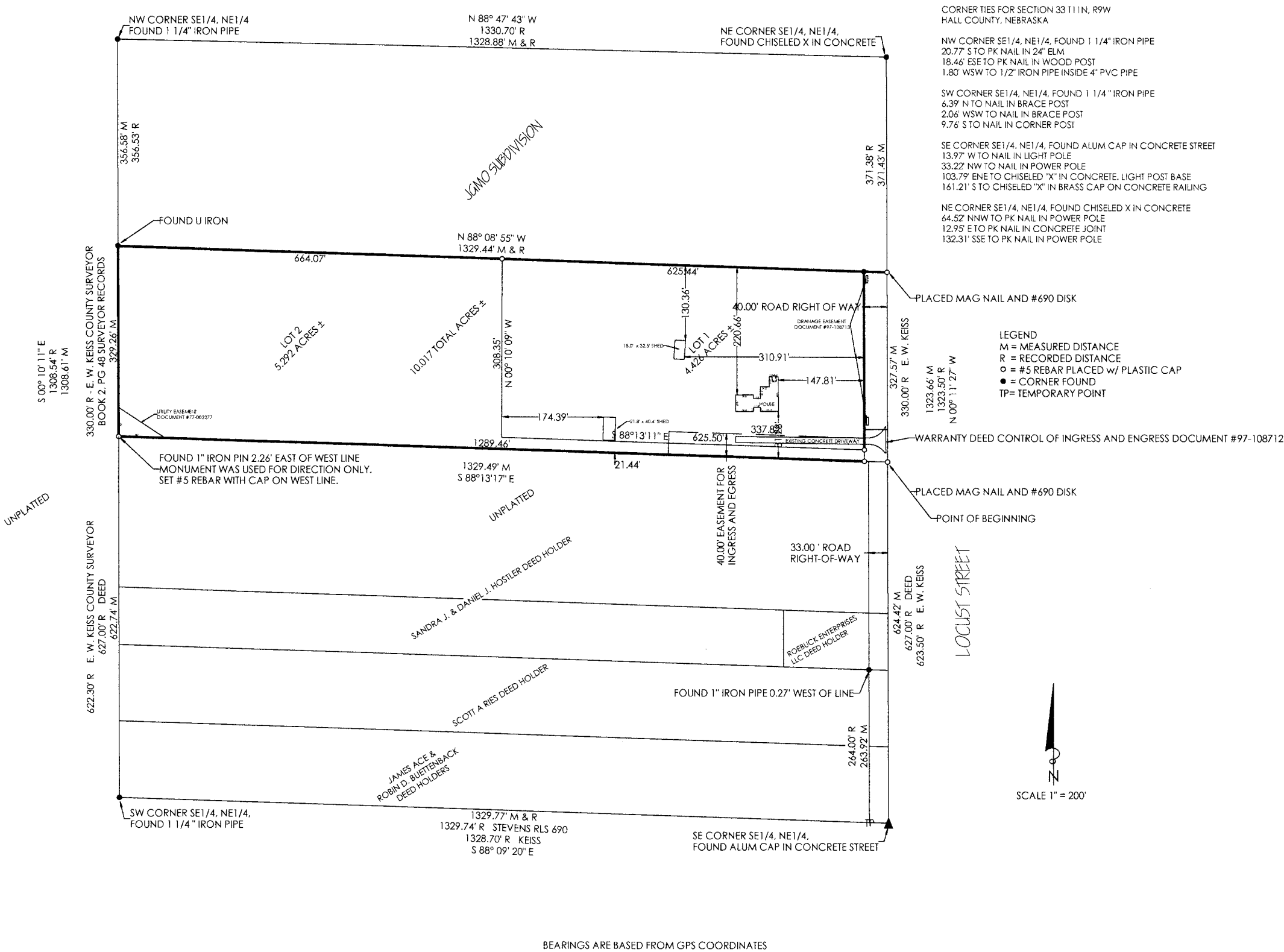
Water Public: City water is available.

Sewer Public: City sewer is available.



WANDA'S ESTATE

A TRACT OF LAND IN THE SE 1/4, NE 1/4 OF SECTION 33, T11N, R9W, GRAND ISLAND, HALL COUNTY, NEBRASKA



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that WANDA A. KAYL owner being the owner of the land described hereon has caused same to be surveyed, subdivided, platted and designated as 'WANDA'S ESTATE', an addition to the Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the streets as shown thereon to the public 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 thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstruction 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 proprietors. IN WITNESS WHEREOF, we have affixed our signatures hereto, at Grand Island, Nebraska, this _____ day of _____, 2019.

WANDA A. KAYL

ACKNOWLEDGEMENT
State Of Nebraska
County Of Hall SS

On the _____ day of _____, 2019, before me _____
a Notary Public within and for said County, personally appeared WANDA A. KAYL, to me personally known to be the identical person whose signature is affixed hereto, and that she did acknowledge the execution hereof to be her voluntary act and deed. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the last date above written.

My commission expires _____

Notary Public

LEGAL DESCRIPTION

A tract of land in the SE 1/4, NE 1/4 of Section of 33, T11N, R9W, Hall County, Nebraska, more particularly described as follows:

Commencing at the southeast corner of said SE 1/4, NE 1/4; thence N 00° 11' 27" W on and upon the east line of said SE 1/4, NE 1/4 a distance of 624.42 feet to the Point of Beginning; thence continuing on the afore said bearing a distance of 327.57 feet to a point; thence N 88° 08' 55" W on and upon the south line of JGMO Subdivision a distance of 1329.44 feet to a point on the west line of said SE 1/4, NE 1/4; thence S 00° 10' 11" E on and upon the west line of said SE 1/4, NE 1/4 a distance of 329.26 feet to a point; thence S 88° 13' 17" E a distance of 1329.3449 feet to the Point of Beginning. Said tract contains 10.017 acres more or less of which 0.299 acres more or less are Road right-of-way.

SURVEYORS CERTIFICATE

I hereby certify that on August 5, 2019 I completed an accurate survey under my supervision of (WANDA'S ESTATE), 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 and I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Kelly Stevens, Registered Land Surveyor No. 690

APPROVALS
Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island, 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 _____, 2019.

Mayor

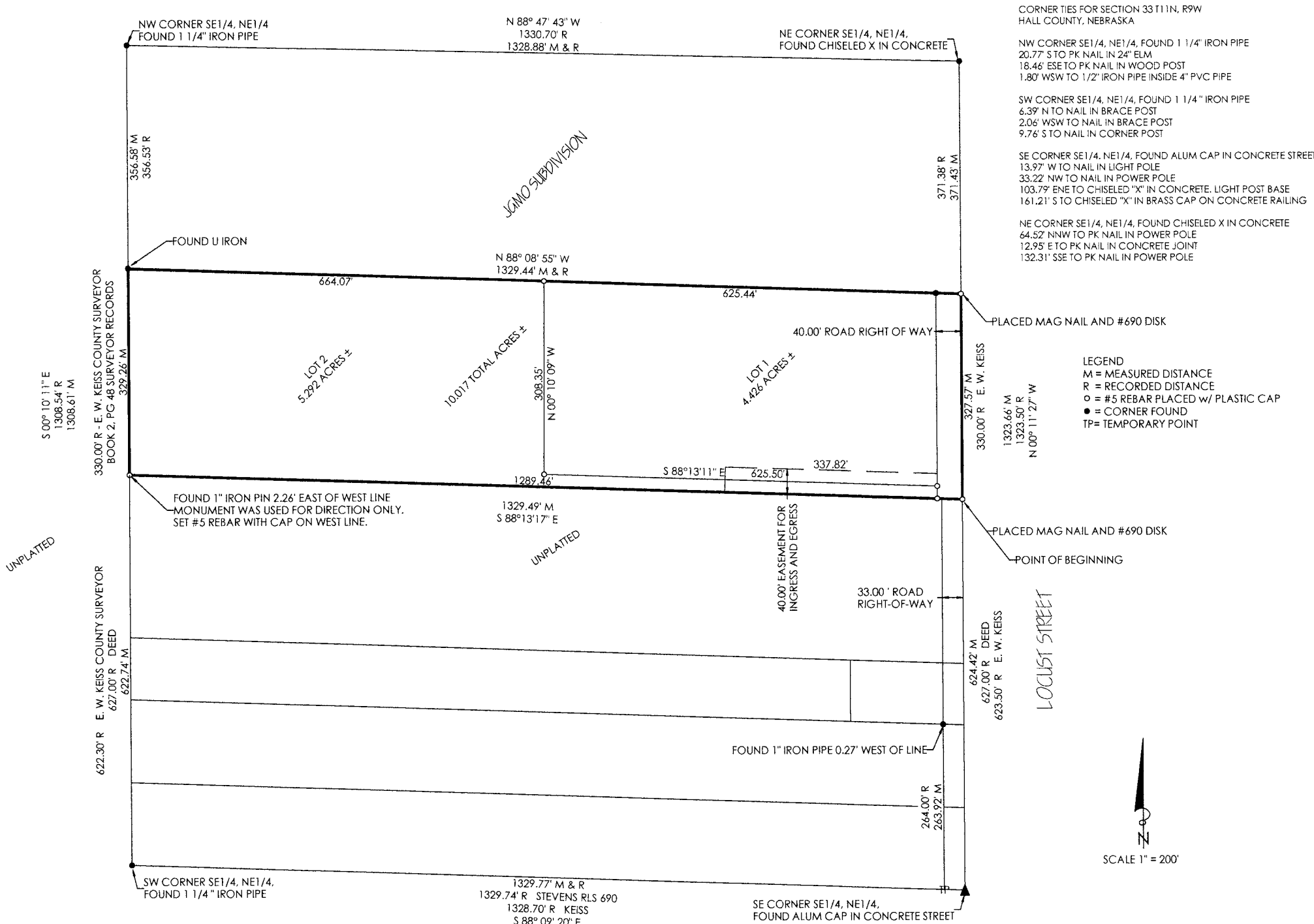
City Clerk

(Seal)

SURVEY REQUESTED BY WANDA A. KAYL
STEVENS LAND SURVEYING LLC - 1604 RAINBOW ROAD, GRAND ISLAND, NE 68801 - 308-319-0464 - E-MAIL kstevens690@gmail.com
PROJECT NUMBER 19-181A - DATE 4/20/2019 - DRAWN BY K.S. - CHECKED BY AES

WANDA'S ESTATE

A TRACT OF LAND IN THE SE1/4, NE1/4 OF SECTION 33, T11N, R9W, GRAND ISLAND, HALL COUNTY, NEBRASKA



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that WANDA A. KAYL owner being the owner of the land described hereon has caused same to be surveyed, subdivided, platted and designated as 'WANDA'S ESTATE', an addition to the Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the streets as shown thereon to the public 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 thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstruction 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 proprietors. IN WITNESS WHEREOF, we have affixed our signatures hereto, at Grand Island, Nebraska, this _____ day of _____, 2019.

WANDA A. KAYL

ACKNOWLEDGEMENT
State Of Nebraska
County Of Hall SS

On the _____ day of _____, 2019, before me _____ a Notary Public within and for said County, personally appeared WANDA A. KAYL, to me personally known to be the identical person whose signature is affixed hereto, and that she did acknowledge the execution hereof to be her voluntary act and deed. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the last date above written.

My commission expires _____

Notary Public

LEGAL DESCRIPTION

A tract of land in the SE1/4, NE1/4 of Section of 33, T11N, R9W, Hall County, Nebraska, more particularly described as follows:

Commencing at the southeast corner of said SE1/4, NE1/4; thence N 00° 11' 27" W on and upon the east line of said SE1/4, NE1/4 a distance of 624.42 feet to the Point of Beginning; thence continuing on the afore said bearing a distance of 327.57 feet to a point; thence N 88° 08' 55" W on and upon the south line of JGMO Subdivision a distance of 1329.44 feet to a point on the west line of said SE1/4, NE1/4; thence S 00° 10' 11" E on and upon the west line of said SE1/4, NE1/4 a distance of 329.26 feet to a point; thence S 88° 13' 17" E a distance of 1329.3449 feet to the Point of Beginning. Said tract contains 10.017 acres more or less of which 0.299 acres more or less are Road right-of-way.

SURVEYORS CERTIFICATE

I hereby certify that on August 5, 2019 I completed an accurate survey under my supervision of (WANDA'S ESTATE), 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 and I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Kelly Stevens, Registered Land Surveyor No. 690

APPROVALS

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island, 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 _____, 2019.

Mayor

City Clerk

(Seal)

SURVEY REQUESTED BY WANDA A. KAYL

STEVENS LAND SURVEYING LLC - 1604 RAINBOW ROAD, GRAND ISLAND, NE 68801 - 308-579-0464 - E-MAIL: kstevens690@gmail.com

PROJECT NUMBER: 19-18_A - DATE: 4/20/2019 - DRAWN BY: K.S. - CHECKED BY: A.E.S.

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

WANDA'S ESTATE SUBDIVISION
(Lots 1 and 2)

In the City of Grand Island, Hall County Nebraska

The undersigned, WANDA A. KAYL, 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 IN SE1/4, NE1/4 OF SECTION OF 33, T11N, R9W, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE1/4, NE1/4; THENCE N 00°11'27" W ON AND UPON THE EAST LINE OF SAID SE1/4, NE1/4 A DISTANCE OF 624.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE AFORE SAID BEARING A DISTANCE OF 327.57 FEET TO A POINT; THENCE N 88°08'55"W ON AND UPON THE SOUTH LINE OF JGMO SUBDIVISION A DISTANCE OF 1329.44 FEET TO A POINT ON THE WEST LINE OF SAID SE1/4, NE1/4; THENCE S 00°10'11"E ON AND UPON THE WEST LINE OF SAID SE1/4, NE1/4 A DISTANCE OF 329.26 FEET TO A POINT; THENCE S

88°13'17"E A DISTANCE OF 1329.3449 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 10.017 ACRES MORE OR LESS OR WHICH 0.299 ACRES MORE OR LESS ARE 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 WANDA'S ESTATE 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 WANDA'S ESTATE 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 Locust Street where it abuts the subdivision.
2. **Water.** Public water supply is available to the subdivision, and all new structures requiring service shall be connected to such water supply as required by Grand Island City Code.
3. **Sanitary Sewer.** Public sanitary sewer is available to the subdivision. Due to the distance between any new structures on Lot 2 of the subdivision and the existing service the city will allow a septic system on said lot 2. If the owners of lot 2 wish to connect to

the existing unused service the city will grant a license agreement to allow construction of sewer service line in front of Lot 1 in the right of way for Locust Street.

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 Locust 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. **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 WANDA'S ESTATE 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.

WANDA A. KAYL, Subdivider

By: _____
Wanda A. Kayl

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 Wanda A. Kayl, known personally to me to be the identical persons who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his and her voluntary act and deed for the purpose therein expressed.

WITNESS my hand and notarial seal the date above written.

Notary Public

RESOLUTION 2019-289

WHEREAS, know all men by these presents, that Wanda A. Kayl being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “WANDA’S ESTATE SUBDIVISION”, A tract of land in the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of Section Thirty-three (33), 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 WANDA’S ESTATE 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, September 24, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 6, 2019	☐ City Attorney