



City of Grand Island

Tuesday, November 26, 2019

Council Session

Item G-3

#2019-349 - Approving Preliminary and Final Plat and Subdivision Agreement for Ellington Pointe

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: November 26, 2019

Subject: Ellington Pointe Subdivision – Preliminary and Final Plat

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

Background

This property is located south of 13th Street and west of North Road in Grand Island, Nebraska. (Preliminary Plat 41 lots, 1 outlot, 14.3 acres Final Plat 41 Lots, 1 outlot, 14.3 Acres). This property is zoned R3-Medium Density Residential and R1-Suburban Density Residential. A tract of land consisting of all of Lot 2 Hanover Second Subdivision and all of Lots 2 and 4 Hanover Third Subdivision all in City Grand Island, Hall County, Nebraska.

Discussion

The preliminary and final plats for Ellington Pointe Subdivision were considered at the Regional Planning Commission at the November 6, 2019 meeting

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

A roll call vote was taken and the motion passed with 10 members present and voting in favor (O'Neill, Nelson, Ruge, Maurer, Robb, Monter, 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

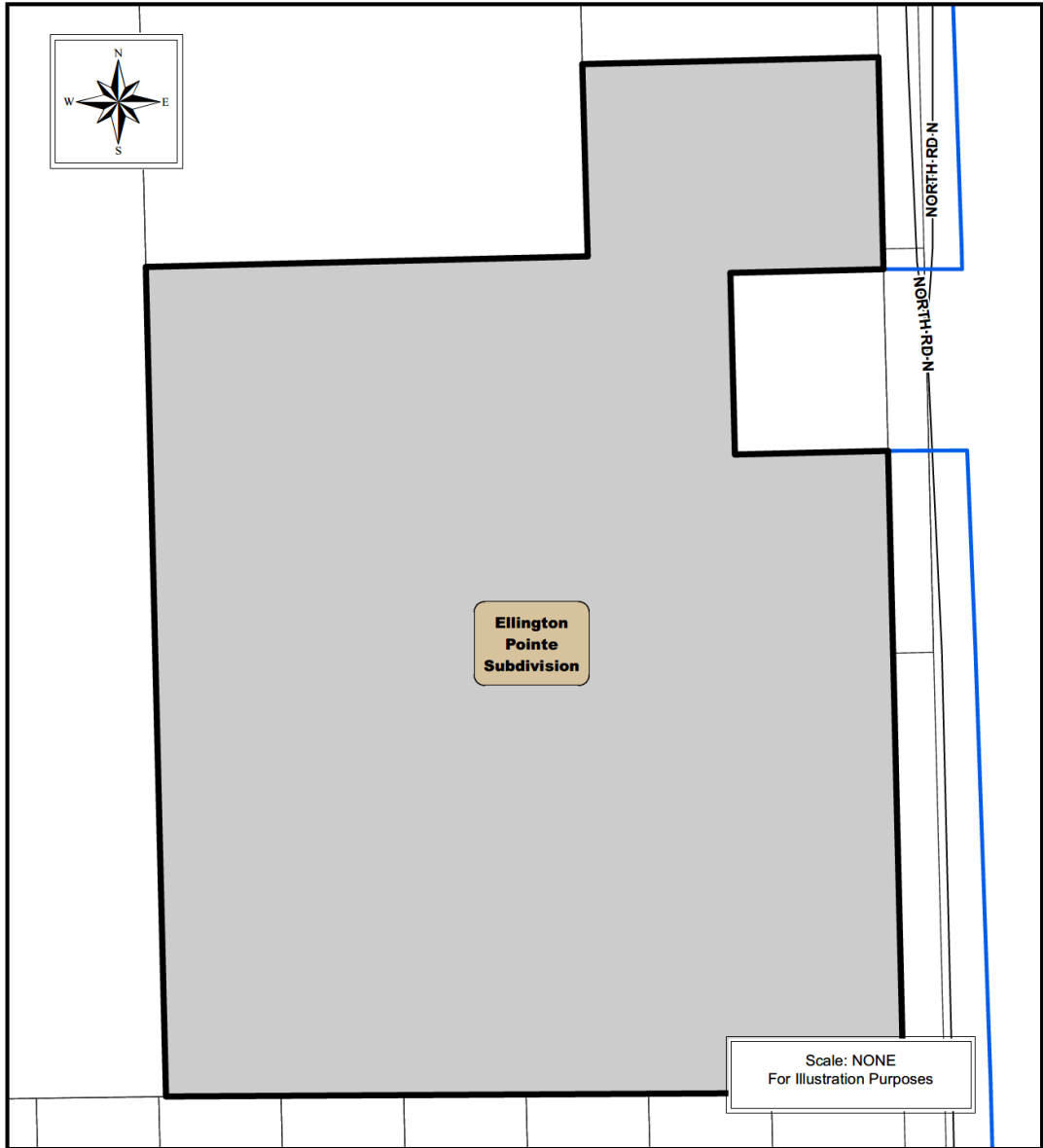
Recommendation

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

Sample Motion

Move to approve as recommended.

**PROPOSED SUBDIVISION
LOCATION MAP**



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alder, Cairo and Doniphan, Nebraska

Developer/Owner

Perseverence LLC, and Andrew Eiler
4801 West Chapman Rd.
Grand Island, NE 68803

To create

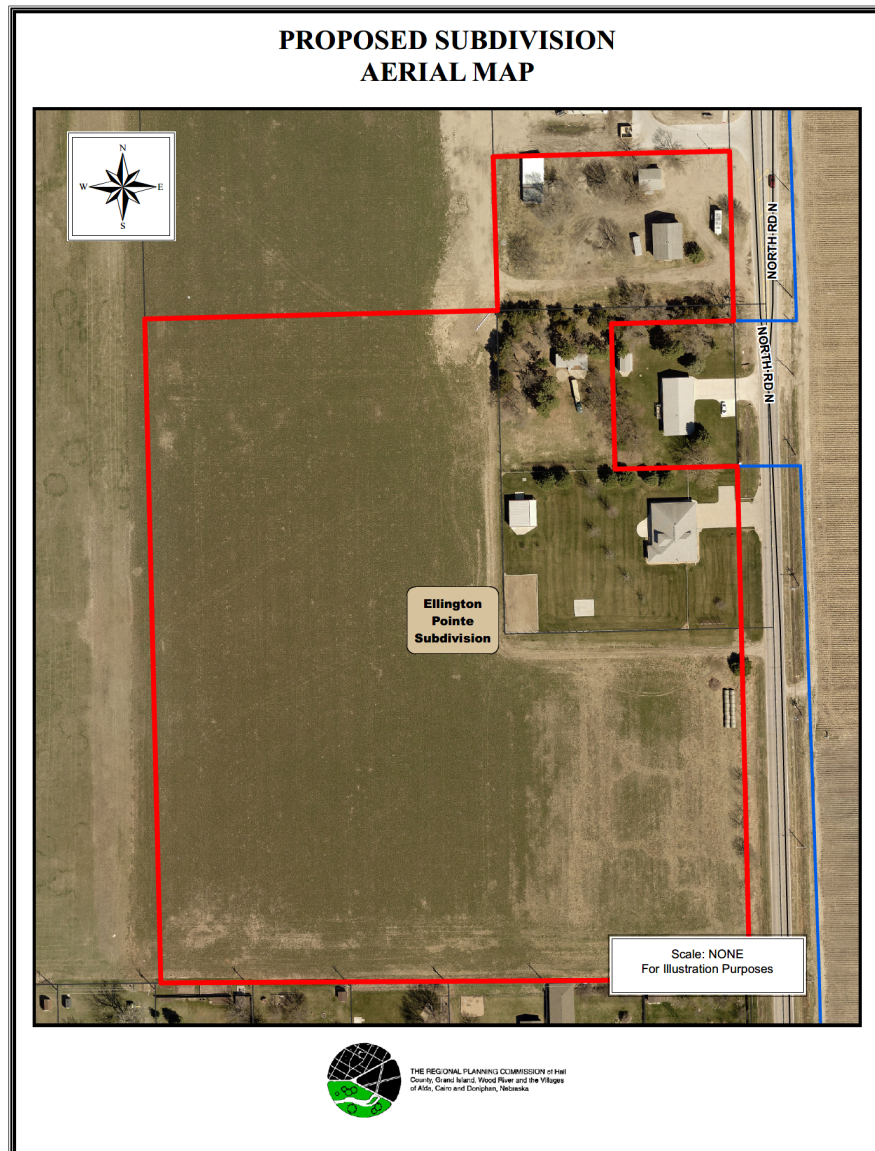
Size: Preliminary Plat 41 lots, 14.3 acres Final Plat 41 lots, 14.3 Acres

Zoning: R3 Medium Density Residential and R1 Suburban Density Residential

Road Access: New 37' City Streets will be constructed with this subdivision.

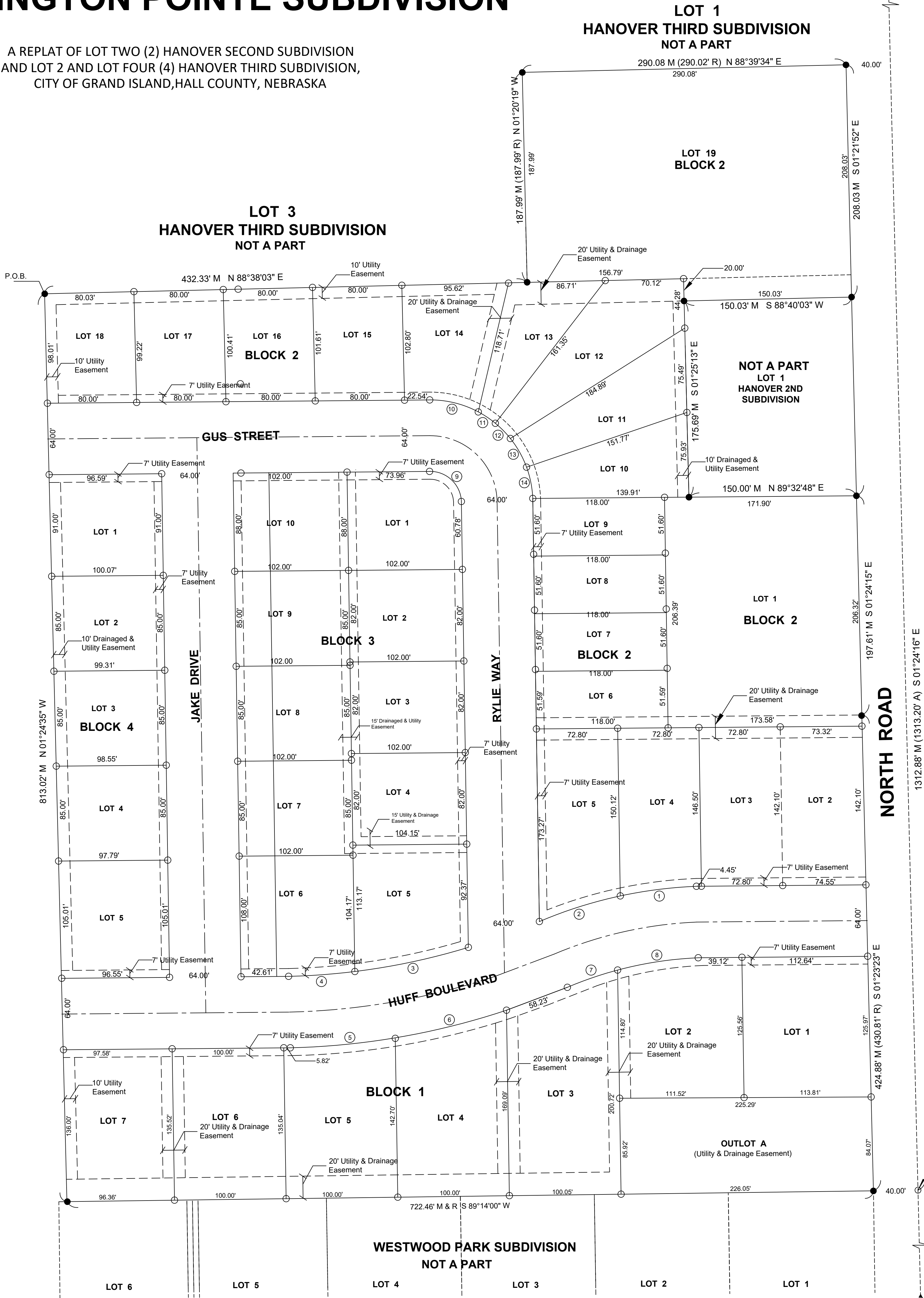
Water Public: City water is available and will be extended to all lots.

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



ELLINGTON POINTE SUBDIVISION

A REPLAT OF LOT TWO (2) HANOVER SECOND SUBDIVISION
AND LOT 2 AND LOT FOUR (4) HANOVER THIRD SUBDIVISION,
CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA



LEGAL DESCRIPTION

A Replat of land consisting of Lot Two (2) Hanover Second Subdivision and Lot Two (2) and Lot Four (4) Hanover Third Subdivision, In the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of Lot Four (4) Hanover Third Subdivision, Said point being the Point of Beginning; Thence N 88°38'03" E along the North line Lot Four (4) Hanover Third Subdivision, a distance of Four Hundred Thirty Two and Thirty Three Hundredths (432.33') Feet; Thence N 01°20'19" W, a distance of One Hundred Eighty Seven and Ninety Nine Hundredths (187.99') feet; Thence N 88°39'34" E, a distance of Two Hundred Ninety and Eight Hundredths (290.08') feet; Thence S 01°21'52" E, a distance of Two Hundred Eight and Three Hundredths (208.03') feet; Thence S 88°40'03" W, a distance of One Hundred Fifty and Three Hundredths (150.03') feet; Thence S 01°25'13" E, a distance of One Hundred Seventy Five and Sixty Nine Hundredths (175.69') feet; Thence N 89°32'48" E, a distance of One Hundred Fifty (150.00') feet; Thence S 01°24'15" E, a distance of One Hundred Ninety Seven and Sixty One Hundredths (197.61') feet; Thence S 01°23'23" E, a distance of Four Hundred Twenty Four and Eighty One Hundredths (424.88') feet; Thence S 89°42'00" W, a distance of Seven Hundred Twenty Two and Forty Three Hundredths (722.43') feet; Thence N 01°24'35" W, a distance of Eight Hundred Thirteen and Seven Hundredths (813.07') feet to the Point of Beginning, Said tract contains a area of 618116.252 Square Feet or 14.189 Acres More or Less.

SURVEYORS CERTIFICATE

I hereby certify that to the best of my knowledge and belief, the accompanying plat is from an accurate survey of the described property made under my supervision.

Brent D. Cyboron Reg Land Surveyor LS - 727

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

CURVE	DELTA	LENGTH	RADIUS	BEARING	CHORD
1	9°51'44"	68.85'	400.00'	S 82°48'32" W	68.77'
2	10°54'07"	76.11'	400.00'	S 72°25'37" W	75.99'
3	10°08'40"	106.23'	600.00'	S 78°06'07" W	106.09'
4	5°28'37"	57.35'	600.00'	S 85°54'45" W	57.33'
5	8°09'31"	94.55'	664.00'	S 84°34'17" W	94.47'
6	8°51'55"	102.74'	664.00'	S 76°03'33" W	102.64'
7	8°07'07"	47.61'	336.00'	S 71°02'08" W	47.57'
8	32°29'02"	73.21'	336.00'	S 81°20'14" W	73.07'
9	88°49'31"	43.45'	28.00'	S 46°34'55" E	39.19'
10	28°10'39"	45.24'	92.00'	S 76°07'48" E	44.79'
11	11°27'34"	18.40'	92.00'	S 56°19'04" E	18.37'
12	11°57'15"	19.19'	92.00'	S 44°36'56" E	19.16'
13	18°25'35"	29.59'	92.00'	S 29°25'45" E	29.45'
14	17°49'15"	28.68'	92.00'	S 11°18'32" E	28.50'

CURVE TABLE

SUBDIVISION INFORMATION

OWNER: Perseverance LLC & Andrew J. Eiler & City of Grand Island
PROPOSED LAND USE: Residential Development
TOTAL LOTS: 41 Residential Lots
1 Outlot
ENGINEER: Terry Brown E-8731 Alfred Benesch & Company
SURVEYOR: Brent Cyboron LS-727 Initial Point Surveying LLC

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

LOCATION: PART OF LOT TWO (2) HANOVER SECOND SUBDIVISION AND LOT TWO (2) AND LOT FOUR (4) HANOVER THIRD SUBDIVISION

TITLE: PRELIMINARY PLAT

SCALE AT AS: 1" = 50'

DATE: 6/10/19

DRAWN: Brent C.

PAGE: 1 OF 3

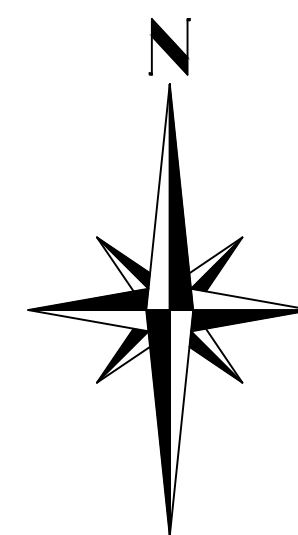
BENESCH PROJECT NO: 111908.00

DRAWING NO: 19-002

REVISION: 7/3/19 10/28/19

ELLINGTON POINTE SUBDIVISION

A REPLAT OF LOT TWO (2) HANOVER SECOND SUBDIVISION AND
LOT 2 AND ALL OF LOT FOUR (4) HANOVER THIRD SUBDIVISION,
CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA



Scale 1" = 60'



CURVE	DELTA	LENGTH	RADIUS	BEARING	CHORD
1	9°51'44"	68.85'	400.00'	S 82°48'32" W	68.77'
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13	18°25'35"	29.59'	92.00'	S 29°25'45" E	29.46'
14	17°49'15"	28.68'	92.00'	S 11°18'32" E	28.50'

CURVE TABLE

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
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SUBDIVISION INFORMATION

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TOTAL LOTS: 41 Residential Lots
1 Outlots
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SURVEYOR: Brent Cyboron LS-727 Initial Point Surveying LLC

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

LOCATION:			
TWO (2) HANOVER SECOND SUBDIVISION AND LOT 2 & LOT FOUR (4) HANOVER THIRD SUBDIVISION			
TITLE:			
ELLINGTON POINTE FINAL PLAT			
SCALE AT A3:	DATE:	DRAWN:	PAGE:
1" = 60'	4/30/19	Brent C.	1 OF 2
BENESCH PROJECT NO:	DRAWING NO:	REVISION:	
111908.00	19-002	7/3/19 10/30/19	

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

ELLINGTON POINTE SUBDIVISION

(Block 1, Lots 1-7, Block 2, Lots 1-19, Block 3, Lots 1-10, Block 4, Lots 1-5, Outlot A)

In the City of Grand Island, Hall County Nebraska

The undersigned, PERSEVERANCE L.L.C., a Nebraska Limited Liability Company and ANDREW JACOB EILER and THE CITY OF GRAND ISLAND, 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 Lot Two (2) Hanover Second Subdivision and Lot Two (2) and Lot Four (4) Hanover Third Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of Lot Four (4) Hanover Third Subdivision, Said point being the Point of Beginning; Thence N 88°38'03" E along the North line Lot Four (4) Hanover Third Subdivision, a distance of Four Hundred Thirty Two and Thirty Three Hundredths (432.33') Feet; Thence N 01°20'19" W, a distance of One Hundred Eighty Eight and Nine Hundredths (180.09') feet; Thence N 88°39'34" E, a distance of Two Hundred Ninety and Eight Hundredths (290.08') feet; Thence S 01°21'52" E, a distance of Two Hundred Eight and Three Hundredths (208.03') feet; Thence S 88°40'03" W, a distance of One Hundred Fifty and Three Hundredths (150.03') feet; Thence S 01°25'13" E, a distance of One Hundred Seventy Five and Sixty Nine Hundredths (175.69') feet;

Thence N 89°32'48" E, a distance of One Hundred Fifty (150.00') feet; Thence S 01°24'15" E, a distance of One Hundred Ninety Seven and Sixty One Hundredths (197.61') feet; Thence S 01°23'23" E, a distance of Four Hundred Twenty Four and Eighty Eight Hundredths (424.88') feet; Thence S 89°14'00" W, to the South East corner Neumann Second Subdivision, a distance of Seven Hundred Twenty Two and Forty Three Hundredths (722.43') feet; Thence N 01°24'35" W, a distance of Eight Hundred Thirteen and Seven Hundredths (813.07') feet to the Point of Beginning, Said tract contains an area of 644651.454 Square Feet or 14.799 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 ELLINGTON POINTE 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 ELLINGTON POINTE 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 Gus Street, Riley Way, Jake Drive and Huff Boulevard in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection and subject to the City's inspection with a minimum back of curb to back of curb width of 37 feet. If the Subdivider fails to pave Gus Street, Riley Way, Jake Drive and Huff Boulevard, 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 North Road 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. In the event that improvements have not been made to North Road by January 1, 2024 the subdivider shall request a drainage improvement district or cause the Detention Cell located on Outlot A to be connected to the City's storm water drainage system located on the east side of North Road.

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
North Road			Yes
Huff Boulevard			NO
Gus Street			NO
Riley Way			NO
Jake Drive			NO

Immediate sidewalk construction adjacent to North 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 North Road, 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. **Outlots.** Outlot A is designated as a detention cell and maintenance shall be the responsibility of the Subdivider or Home Owners Association.

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 ELLINGTON POINTE 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.

PERSEVERANCE, L.L.C., A NEBRASKA
LIMITED LIABILITY COMPANY,
Subdivider

By: _____
Trent Huff, 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 Trent Huff, member of Perseverance 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 Perseverance, L.L.C.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

ANDREW JACOB EILER, Subdivider

By: _____
Andrew Jacob Eiler

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 Andrew Jacob Eiler, known personally to me to be the identical person who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed.

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

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STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

WITNESS my hand and notarial seal the date above written.

My commission expires: _____

RESOLUTION 2019-349

WHEREAS PERSERVERANCE, LLC, and ANDREW EILER being the said owners of the land described hereon, have caused the same to be surveyed, subdivided, platted and designated as “ELLINGTON POINTE SUBDIVISION” A Replat of land consisting of Lot Two (2) Hanover Second Subdivision and Lot Two (2) and Lot Four (4) Hanover Third Subdivision, commencing at the Northwest Corner of Lot (4) Hanover Third Subdivision Quarter of the Northwest Quarter (NW1/4,NW1/4) of Section 8, Township Ten (10) North, Range Nine (9) West of the 6th P.M., 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 ELLINGTON POINTE 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, November 26, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 26, 2019	☐ City Attorney