



City of Grand Island

Tuesday, February 25, 2020

Council Session

Item G-8

**#2020-46 - Approving Final Plat and Subdivision Agreement for
TDM Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: February 25, 2020

Subject: TDM Subdivision – Final Plat

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

Background

This property is located south of 7th Street and west of Kimball Avenue in Grand Island, Nebraska. (2 lots, 0.199 acres). This property is zoned R4 High Density Residential. A replat of land consisting of Lot Two (2), Block Five (5), Original Town, City of Grand Island, Nebraska. This property consists of 2 houses on a single lot. The houses were built in 1891 and 1921. Each house is served by its own water, waste water and electric services. In order to approve this subdivision Council has to grant a waiver to the minimum lot size requirement in the R4 zoning district.

Discussion

The final plat for TDM Subdivision were considered at the Regional Planning Commission at the February 5, 2020 meeting.

A motion was made by Randone and second by Robb to approve all items on the consent agenda.

The motion was carried with eight members voting in favor (Nelson, Allan, O'Neill, Ruge, Monter, Robb, Rainforth and Randone) and no members 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 waiving the minimum lot size requirements and acknowledging the setbacks on the existing buildings.

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 Alda, Cairo and Doniphan, Nebraska

Developer/Owner

Dennis Mcquillen
14709 Ferry Glen Dr
Plattsmouth, NE 68048

To create

Size: Final Plat 2 lots, 0.199 Acres

Zoning: R4 - High Density Residential

Road Access: 7th Street is a 37 foot wide concrete curb and gutter street

Water Public: City water is available.

Sewer Public: City sewer is available.

Minimum lot sizes and setbacks are waived for the existing residential structures.



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

TDM SUBDIVISION LOTS 1 AND 2

In the City of Grand Island, Hall County Nebraska

The undersigned, TDM Enterprises L.L.C., a Nebraska Limited Liability Company by 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 Replat of Lot Two (2), Block Five (5), Original Town, City of Grand, Hall, County, Nebraska Contains a area of 0.1999 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 TDM 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 TDM 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 7th 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.

3. **Sanitary Sewer.** Public sanitary sewer is available to the subdivision, and all new structures requiring service shall be connected to such sanitary sewer supply.

The existing building sewer lines from the dwellings in the subdivision appear to cross at some point before connecting the city sewer main. At such time as one or both of the building sewer lines need to be replaced the new location shall be in conformance with the plumbing code adopted by the City of Grand Island.

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.** The Subdivider shall maintain all public sidewalks required by the City of Grand Island.

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. **Lot Size.** Minimum lot size requirements were waived by the Grand Island City Council to allow 2 houses built on the same lot in 1891 and 1922 to be sold separately. The City acknowledges that these lots do not meet the minimum lot size for the current zoning district and will treat them as legal lots of record allowing new uses on these lots that conform to the zoning district and setbacks at the time of construction.

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 TDM 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 _____, 2020.

TDM ENTERPRISES, L.L.C., A
NEBRASKA LIMITED LIABILITY
COMPANY

By: _____
Dennis M. McQuillen, Member

By: _____
Mark R. Kramer, Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2020, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Dennis M. McQuillen, Member of TDM, 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 TDM Enterprises, L.L.C.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2020, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mark R. Kramer Member of TDM, 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 TDM Enterprises, L.L.C.

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

Attest: _____

—

RaNae Edwards, City Clerk

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2020, before me, the undersigned,, a Notary Public in and for said County and State, personally came Roger G. Steele, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision

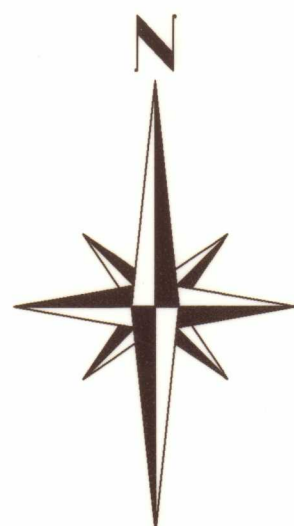
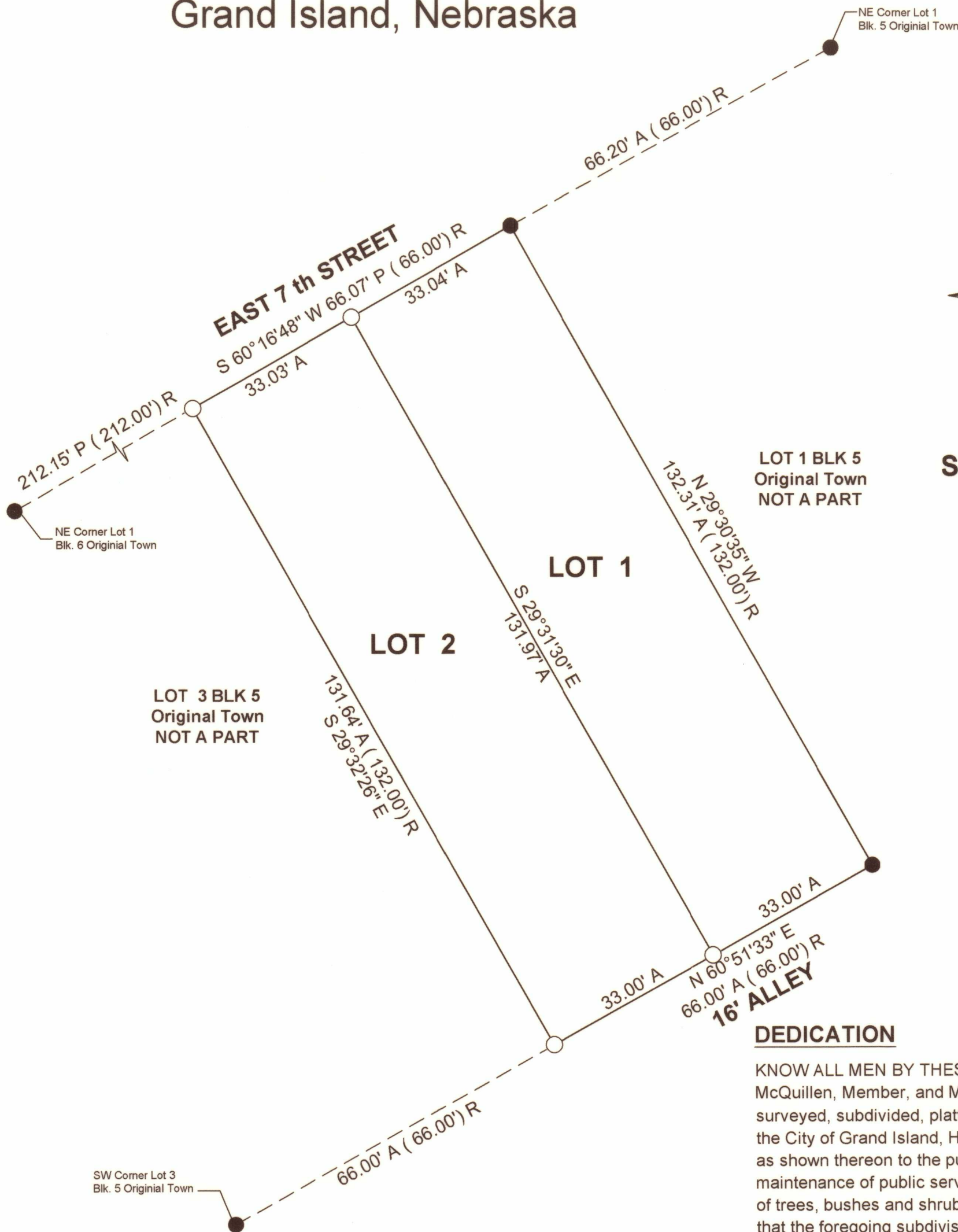
Agreement and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution 2020-____, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal the date above written.

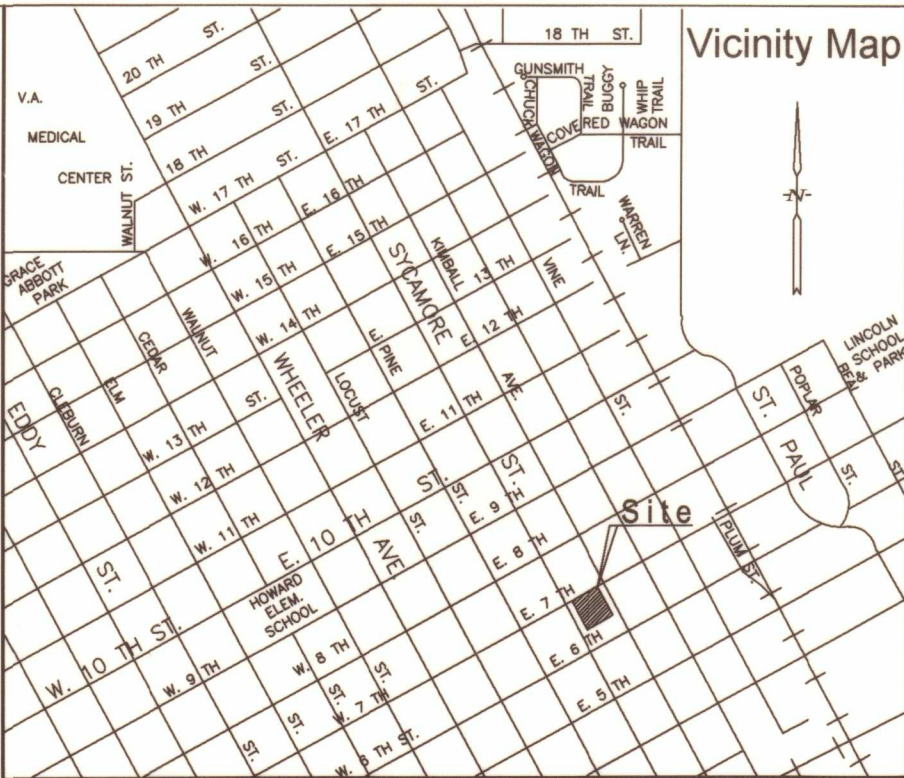
Notary Public

My commission expires: _____

TDM SUBDIVISION
Grand Island, Nebraska



Scale 1" = 20'



- 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
 - A- Actual Distance
 - P- Prorated Distance

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that TDM Enterprises L.L.C., a Nebraska Limited Liability Company, by Dennis M. McQuillen, Member, and Mark R. Kramer, Member, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as TDM SUBDIVISION' A Replat of Lot Two (2),Block Five (5), Original Town 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 forever and 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.

LEGAL DESCRIPTION

A Replat of Lot Two (2),Block Five (5), Original Town, City of Grand Island, Hall County, Nebraska, contains a area of 0.199 Acres More or Less.

SURVEYORS CERTIFICATE

I hereby certify that on January 15, 2020, I completed an accurate survey of 'TDM SUBDIVISION', in 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 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 City of Grand Island, Hall County, Nebraska this
Day of , 2020

Mayor City Clerk

Dennis M. McQuillen - Member
TDM Enterprises L.L.C.

Date

ACKNOWLEDEGETMENT

State of Nebraska

County of Hall

On the day of , 2020, before me a Notary Public within and for said County, personally appeared Dennis M. McQuillen - Member, TDM Enterprises, L.L.C., a Nebraska Limited Liability Company, 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
ACKNOWLEDEGETMENT

State of Nebraska

County of Hall

On the day of , 2020, before me a Notary Public within and for said County, personally appeared Mark R. Kramer - Member, TDM Enterprises, L.L.C., a Nebraska Limited Liability Company, 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

INITIAL POINT SURVEYING LLC 410 S. Webb Rd. Suite 403 Grand Island, NE 68803 308-383-6754 Cell 308-675-4141 Office			
LOCATION: Two (2) Block Five (5) Original Town			
TITLE: TDM Subdivision Plat			
SCALE: AS SHOWN 1" = 20'	DATE: 1/20/20	DRAWN BY: Brent C.	REVISION: 1 OF 1
PROJECT NO: 20-003		DATE: 2/3/20	

RESOLUTION 2020-46

WHEREAS TDM Enterprises L.L.C. , A Nebraska Limited Liability Company, by Dennis M. McQuillen, Member, and Mark R. Kramer, being the owners of the land described hereon, have caused the same to be surveyed, subdivided, platted and designated as “TDM SUBDIVISION”, a replat of land consisting of Lot Two (2), Block Five (5), Original Town, City of Grand Island, 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, two houses are located on this single lot and have been since at least 1921 and such houses were legal at the time of construction; and

WHEREAS, the lots of such subdivision cannot meet the minimum lot size requirements of the R4 zoning district; and

WHEREAS, the houses are served with separate water, waste water and electrical services; and

WHEREAS, §33-21 of the Grand Island City Code allows Council to modify or waive specific provision of the regulations and the Council finds that

- (1) The strict application of a particular provision would produce undue hardship.
 - (2) Such hardship is not shared generally by other properties in the proposed subdivision, or in the case of modifications or waivers affecting an entire proposed subdivision the hardship is not shared generally with other similar subdivisions.
 - (3) The authorization of the modification or waiver will not be a substantial detriment to adjacent property and the character of the proposed subdivision will not be adversely changed.
 - (4) The granting of such modification or waiver is based upon demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
 - (5) The granting of such modification will not unduly compromise the intent of this chapter;
- 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.

Approved as to Form	by _____
February 21, 2020	City Attorney

BE IT FURTHER RESOLVED that the final plat of TDM 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, February 25, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk