



City of Grand Island

Tuesday, June 9, 2020

Council Session

Item G-13

**#2020-138 - Approving Final Plat and Subdivision Agreement for
Nikodym Second Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: June 9, 2020

Subject: Nikodym Second Subdivision – Final Plat

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

Background

A replat of all of Lot 3, of Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska. Located north of Bismark Road, west of Stuhr Road and east of Cherry Street (2 lots, 13.432 acres). This property is zoned RD- Residential Development Zone and is in the process of being rezoned to Amended RD- Residential Development Zone. Lot 1 will be the location of a natural gas regulator station. Lot 2 will be reserved for future residential development. Any development will require additional Council approval.

Discussion

The final plat for Nikodym Second Subdivision was considered at the Regional Planning Commission at the May 6, 2020 meeting.

A motion was made by Rainforth and second by Rubio to recommend approval of Redevelopment Rezoning of Lot 3 Nikodym Subdivision and the Nikodym Second Subdivision Plat.

The motion carried with nine members voting in favor (O'Neill, Nelson, Ruge, Monter, Maurer, Rainforth, Rubio, Robb and Randone) and no members voting no. Robb was unable to voice his vote on the Zoom Virtual Meeting but called Planning Director Nabity and indicated his approval.

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

JNIK, LLC & Jim Nikodym Revocable Trust
1010 Bismark Ave
Grand Island, NE 68801

Size: Final Plat 2 lots, 13.432 Acres

Zoning: RD Residential Development Zone and Amended Residential Development Zone.

Road Access: Existing Streets

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.



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

NIKODYM SECOND SUBDIVISION

(Lots 1 and 2)

In the City of Grand Island, Hall County Nebraska

The undersigned JNIK, LLC., A NEBRASKA LIMITED LIABILITY COMPANY AND MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE OF THE JIM F. NIKODYM REVOCABLE TRUST 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 ALL OF LOT 3, NIKODYM SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 585,110.82 SQUARE FEET OR 13.422 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 NIKODYM SECOND 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 NIKODYM SECOND 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 Cherry Street and Bismark Road where they about 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 all new structures requiring service shall be connected to such sanitary sewer supply.

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 install and maintain all public sidewalks required by the City of Grand Island when the Lots 1 and 2 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
Cherry Street		X	NO
Bismark Road		X	NO

6. **Landscaping.** The Subdivider agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island, and plans as submitted to and approved by the City's Building Department. Landscaping on Lot 1 shall include a 6 foot site obscuring fence around the site of the gas regulator station.

7. **RD Zone.** The Subdivider agrees to provide a 30 foot front yard setback from Bismark Road to provide the required landscape buffer and to provide a 6 foot site obscuring fence around Lot 1 at least 10 feet from the property line. The Subdivider also agrees that development of Lot 2 shall be restricted with no further development until such time a plan is presented to and approved by the Grand Island City Council or the property is rezoned to another zoning district.

8. **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.

9. **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.

10. **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 NIKODYM SECOND 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.

12. **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.

JNIK, LLC., A NEBRASKA LIMITED
LIABILITY COMPANY

By: _____
JOHN NIKODYM., MANANGER

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 John Nikodym., Manager of JNIK, 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 JNIK, LLC., a Nebraska Limited Liability Company.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

MIRIAM I. NIKODYM, SUCCESSOR
TRUSTEE OF THE JIM F. NIKODYM
REVOCABLE TRUST

By: _____
MIRIAM I. NIKODYM, SUCCESSOR
TRUSTEE

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 Miriam I. Nikodym., Successor Trustee of the Jim F. Nikodym Revocable Trust, 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 Jim F. Nikodym Revocable Trust.

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)

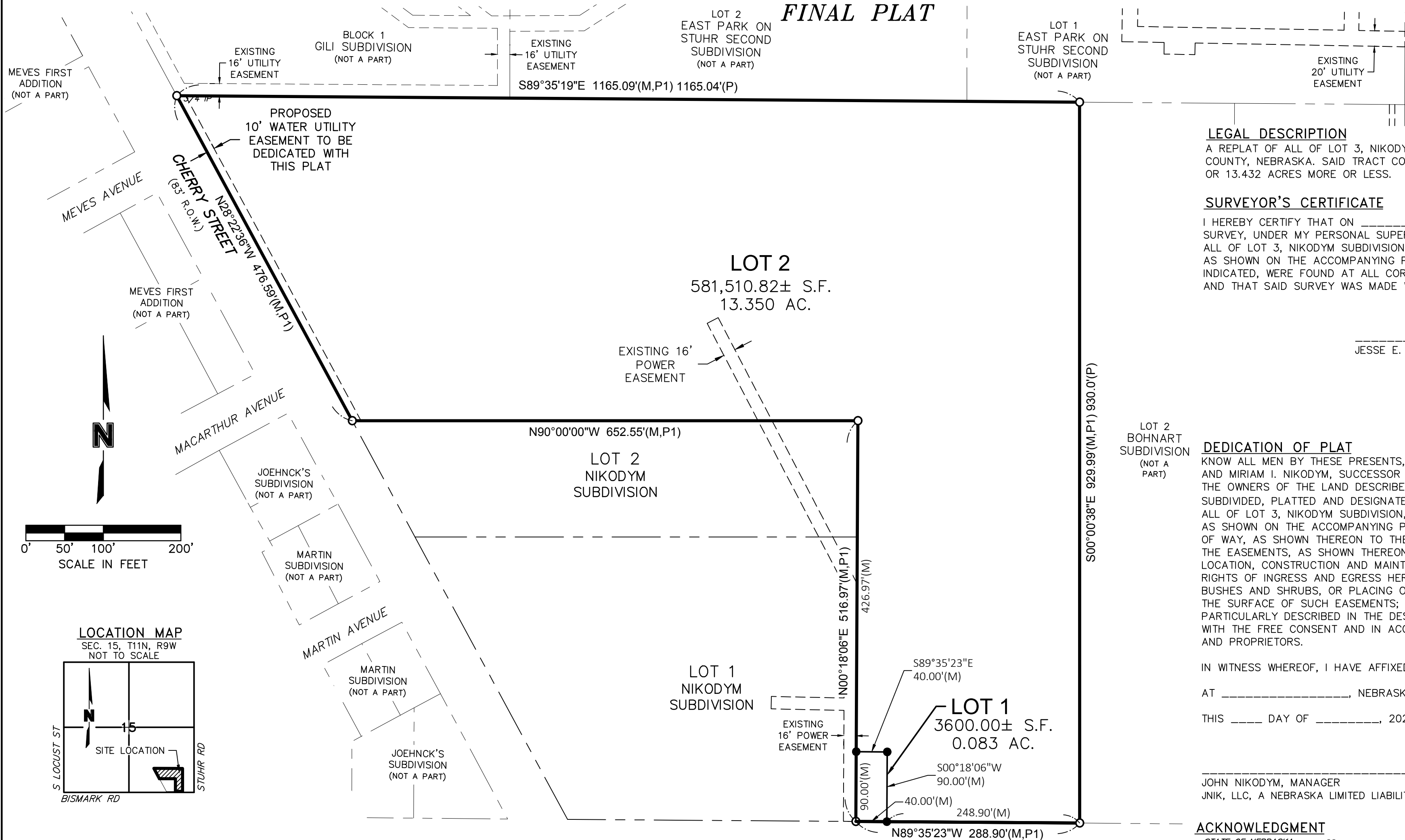
On _____, 2020, before me, the undersigned,, a Notary Public in and for said County and State, personally came Roger G. Steele, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement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

NIKODYM SECOND SUBDIVISION
CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
FINAL PLAT



LEGAL DESCRIPTION
A REPLAT OF ALL OF LOT 3, NIKODYM SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 585,110.82 SQUARE FEET OR 13.432 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT ON _____, 2020, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND CONSISTING OF A REPLAT OF ALL OF LOT 3, NIKODYM SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JESSE E. HURT, REGISTERED LAND SURVEYOR NUMBER, LS-674

DEDICATION OF PLAT
KNOW ALL MEN BY THESE PRESENTS, THAT JNIK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY AND MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE OF THE JIM F. NIKODYM REVOCABLE TRUST, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "**NIKODYM SECOND SUBDIVISION**" A REPLAT OF ALL OF LOT 3, NIKODYM SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND DO HEREBY DEDICATE THE ROAD RIGHT OF WAY, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER; AND HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE FOR PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS HERETO, 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 ADDITION 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 OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO,
AT _____, NEBRASKA, AT _____, NEBRASKA,
THIS ____ DAY OF _____, 2020. THIS ____ DAY OF _____, 2020.

JOHN NIKODYM, MANAGER
JNIK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY
MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE
JIM F. NIKODYM REVOCABLE TRUST

ACKNOWLEDGMENT
STATE OF NEBRASKA ss
COUNTY OF HALL
BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED JOHN NIKODYM, MANAGER, JNIK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED 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.

THIS ____ DAY OF _____, 2020.

NOTARY PUBLIC

ACKNOWLEDGMENT
STATE OF NEBRASKA ss
COUNTY OF _____
BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE OF THE JIM F. NIKODYM REVOCABLE TRUST, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED 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.

THIS ____ DAY OF _____, 2020.

NOTARY PUBLIC

LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (5/8" REBAR W/CAP OR AS NOTED)
- SUBDIVISION LINE
- === NEW PROPERTY LINE
- M MEASURED DISTANCE
- P PLATTED DISTANCE SUPER BOWL SUB
- P1 PLATTED DISTANCE NIKODYM SUB

OWNERS: JNIK, LLC & JIM F. NIKODYM REVOCABLE TRUST
SUBDIVIDER: JNIK, LLC & JIM F. NIKODYM REVOCABLE TRUST
SURVEYOR: OLSSON
ENGINEER: OLSSON
NUMBER OF LOTS: 2

olsson

201 East 2nd Street
Grand Island, NE 68801
TEL 308.384.8750
FAX 308.384.8752

PROJECT NO. 2020-0828
Northwestern Energy
Bismark PR 110083
FB GI 2019-3

APPROVAL

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, CITIES OF GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA.

CHAIRPERSON

DATE

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS ____ DAY OF _____, 2020.

MAYOR

CITY CLERK

USER: jjimenez

DWG: F:\2020\0501-1000\020-0828\40-Design\Survey\SRVY\Sheets\1_FPLAT 2ND SUB_0200828.dwg
DATE: May 12, 2020 9:35pm XREFS: V_XTOPO_0193284 V_XRWAY_0193284

RESOLUTION 2020-138

WHEREAS JNIK, LLC., a Nebraska Limited Liability Company AND Miriam I. Nikodym Successor Trustee of the Jim F. Nikodym Revocable Trust being the said owners of the land described hereon, have caused the same to be surveyed, subdivided, platted and designated as “NIKODYM SECOND SUBDIVISION”, a replat of all of Lot 3, Nikodym Subdivision, in the 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, 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 NIKODYM SECOND 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, June 9, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 27, 2020	☐ City Attorney