



# City of Grand Island

Tuesday, July 28, 2020

Council Session

## Item G-7

**#2020-165 - Approving Final Plat and Subdivision Agreement for Anthem Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** July 28, 2020

**Subject:** Anthem Subdivision – Final Plat

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

## **Background**

This property is located north of Westgate Road and east of North Road in Grand Island, Nebraska. (2 lots, 8.9 acres). This property is zoned M2 – Heavy Manufacturing. A Replat of Lot Twelve (12), Westgate Subdivision or Vacated Westgate 9<sup>th</sup> Subdivision in the City of Grand Island, Hall County, Nebraska.

## **Discussion**

The final plat for Anthem Subdivision were considered at the Regional Planning Commission at the July 1, 2020 meeting.

A motion was made by Mauer and second by Monter to approve the final plat for Anthem Subdivision.

The motion was carried with seven members voting in favor (O'Neill, Ruge, Monter, Maurer, Rubio, Rainforth and Allan) 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.

## **Sample Motion**

Move to approve as recommended.

**Developer/Owner**

Brian Levander  
3620 W. Old Potash  
Grand Island, NE 68803

To create

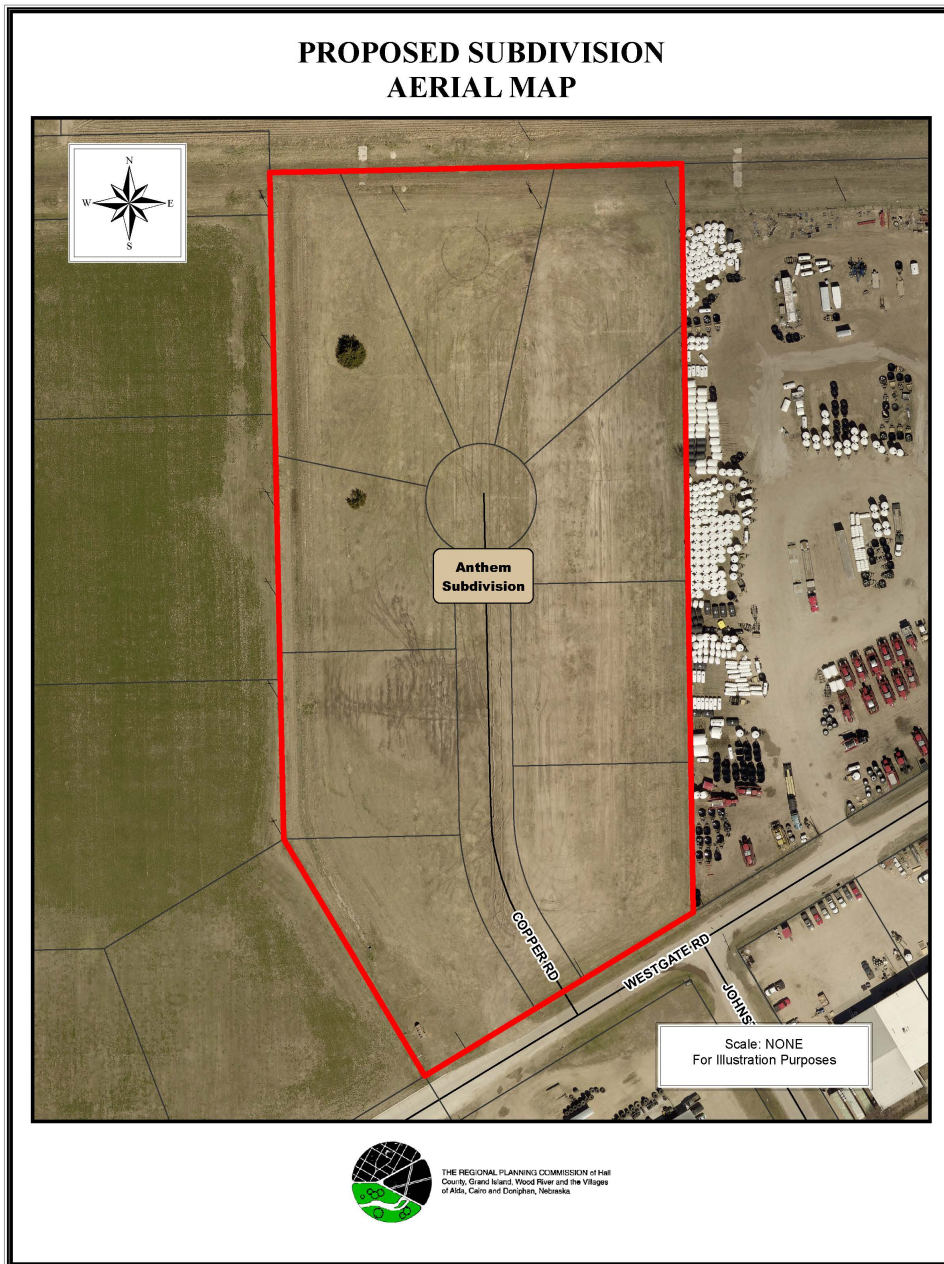
**Size:** Final Plat 2 lots, 8.9 Acres

**Zoning:** M2 – Heavy Manufacturing

**Road Access:** Westgate Road is 24' asphalt City Street

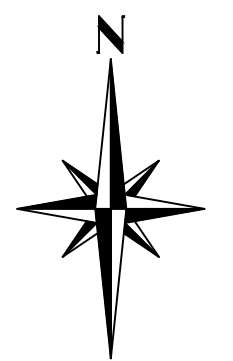
**Water:** City water is available.

**Sewer:** City Sewer is available –Subdivision agreement explains limiting factors for sewer connect to lot 2.

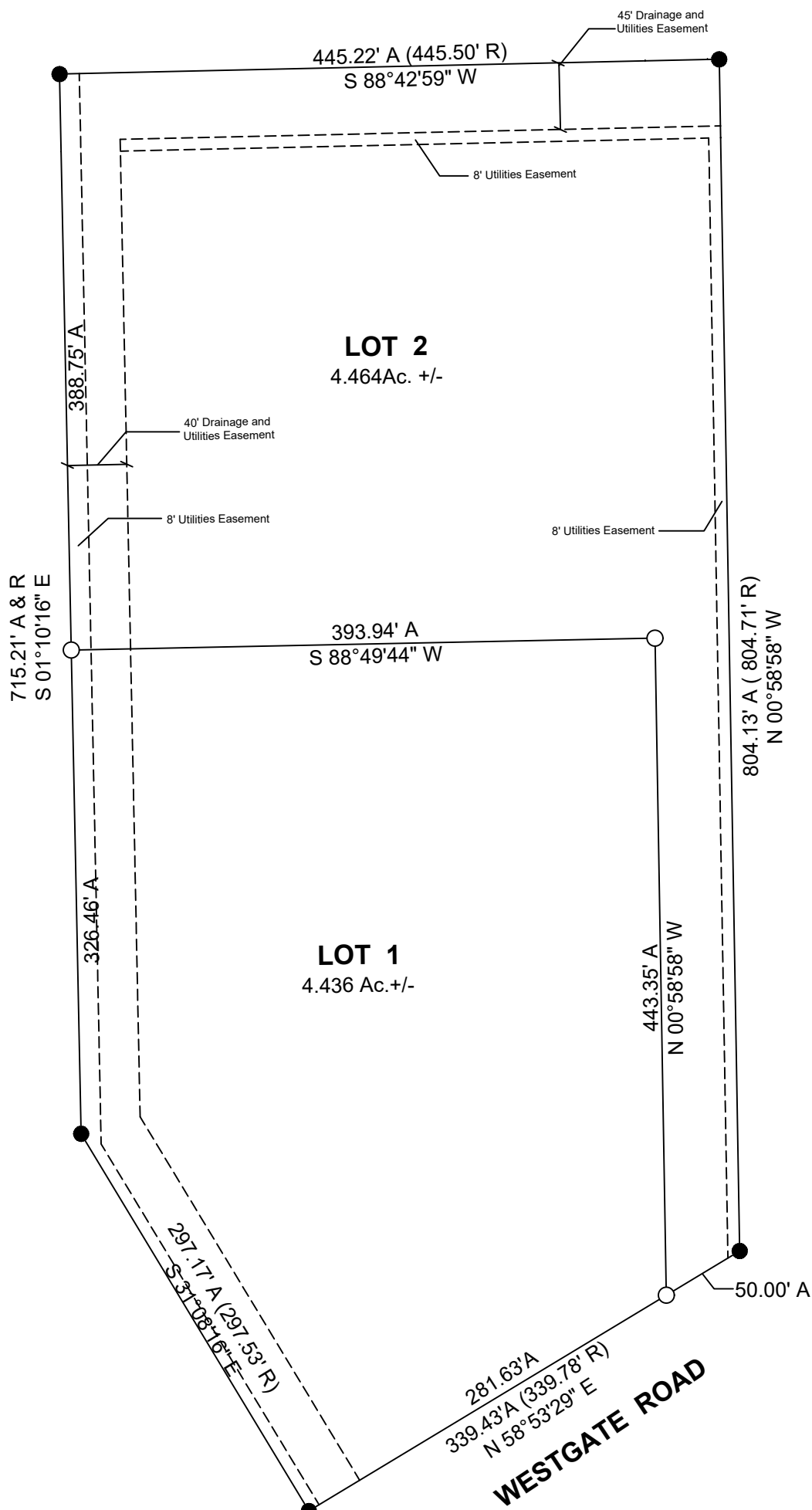


# ANTHEM SUBDIVISION

## Grand Island, Nebraska



Scale 1" = 100'



### LEGAL DESCRIPTION

A part of the South Half of the Northwest Quarter (S1/2NW1/4) of Section Twenty Four (24), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, being a tract of land comprising of now vacated Westgate Ninth Subdivision, being more particularly described as follows:

Commencing at the Southwest Corner of Lot Thirteen (13) Westgate Subdivision; thence N 00°58'58" W along the west line of Lot Thirteen (13), a distance of Eight Hundred Four and Thirteen Hundredths (804.13') feet to the Northwest Corner of Lot Thirteen (13); thence S 88°42'59" W, a distance of Four Hundred Forty Five and Twenty Two (445.22') feet; thence S 01°10'16" E, a distance of Seven Hundred Fifteen and Twenty One Hundredths (715.21') feet; thence S 31°08'16" E, a distance of Two Hundred Ninety Seven and Seventeen Hundredths (297.17') feet; thence N 58°53'29" E, a distance of Three Hundred Thirty Nine and Forty Three Hundredths (339.43') feet to the point of beginning, containing 8.900 Acres more or less.

### SURVEYORS CERTIFICATE

I hereby certify that on May 26, 2020, I completed an accurate survey of 'ANTHEM SUBDIVISION', 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 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

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Brian D. Levander Trustee of the Brian D. Levander Revocable Trust, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as 'ANTHEM SUBDIVISION' A Replat of Lot Twelve (12), Westgate Subdivision 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.

Brian D. Levander

Trustee of the Brian D. Levander Revocable Trust

Date \_\_\_\_\_

### ACKNOWLEDEGEMENT

State of Nebraska

County of Hall SS

On the \_\_\_\_ day of \_\_\_\_\_, 2020, before me \_\_\_\_\_ a Notary Public within and for said County, personally appeared Brian D. Levander, Trustee of the Brian D. Levander Revocable Trust, 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

### 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

### 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

INITIAL POINT SURVEYING LLC  
1811 W 2nd Street; Suite 280  
Grand Island, NE 68803  
308-383-6754 Cell  
308-675-4141 Office

LOCATION: Replat Lot Twelve (12), Westgate Subdivision			
TITLE: Anthem Subdivision Plat Grand Island, Nebraska			
SCALE: AS SHOWN 1" = 100'	DATE: 5/28/2020	DRAWN: Brent C.	PAGE: 1 OF 1
BENESCH PROJECT NO:	DRAWING NO: 20-045	REVISION:	

\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**ANTHEM SUBDIVISION**  
2 LOTS

In the City of Grand Island, Hall County Nebraska

The undersigned, Brian D. Levander, 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 PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4) OF SECTION TWENTY FOUR (24), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6<sup>TH</sup> P.M., HALL COUNTY, NEBRASKA, BEING A TRACT OF LAND COMPRISING OF NOW VACATED WESTGATE NINTH SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT THIRTEEN (13) WESTGATE SUBDIVISION; THENCE N 00°58'58" W ALONG THE WEST LINE OF LOT THIRTEEN (13), A DISTANCE OF EIGHT HUNDRED FOUR AND THIRTEEN HUNDREDTHS (804.13') FEET TO THE NORTHWEST CORNER OF LOT THIRTEEN (13); THENCE S 88°42'59" W, A DISTANCE OF FOUR HUNDRED FORTY FIVE AND TWENTY TWO (445.22') FEET; THENCE S 01°10'16" E, A DISTANCE OF SEVEN HUNDRED FIFTEEN AND TWENTY ONE HUNDREDTHS (715.21') FEET; THENCE S 31°08'16" E, A DISTANCE OF TWO HUNDRED NINETY SEVEN AND SEVENTEEN HUNDREDTHS

(297.17') FEET; THENCE N 58°53'29" E, A DISTANCE OF THREE HUNDRED THIRTY NINE AND FORTY THREE HUNDREDTHS (339.43') FEET TO THE POINT OF BEGINNING, CONTAINING 8.900 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 ANTHEM 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 ANTHEM 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 Westgate Road 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. Sanitary sewer is available in Westgate Road. New structures on Lot 2 may need to be elevated or take

other measures to connect to the main in Westgate Road. This shall be the expense of the subdivider.

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 Westgate 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 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. **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.

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 ANTHEM 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.

BRIAN D. LEVANDER  
Subdivider

By: \_\_\_\_\_  
Brian D. Levander, Owner

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 Brian Levander, Owner, 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 SSB Development, 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 2018-\_\_\_\_, and that the City's corporate seal was thereto affixed by proper authority.

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WITNESS my hand and notarial seal the date above written.

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

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

RESOLUTION 2020-165

WHEREAS know all men by these presents, that Brian Levander, a single person, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "ANTHEM SUBDIVISION", A replat of the vacated Westgate Ninth Subdivision Lot in Section Twenty Four (24), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall 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, 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 ANTHEM 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, July 28, 2020.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 10, 2020	☐ City Attorney