



City of Grand Island

Tuesday, September 22, 2020

Council Session

Item G-11

**#2020-229 - Approving Final Plat and Subdivision Agreement for
Copper Creek 16th Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: September 22, 2020
Subject: Copper Creek Estates Sixteenth Subdivision – Final Plat
Presenter(s): Chad Naby, AICP, Regional Planning Director

Background

This property is located south of Old Potash Highway and east of Engleman Road in Grand Island, Nebraska. (27 lots, 4.086 acres). This property is zoned R2 – Low Density Residential with an application to change the zoning to R3-SL Medium Density Small Lot.. A tract of land consisting of part of the northwest quarter (NW ¼) of Section Twenty-Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska.

Discussion

The final plat for Copper Creek Estates Sixteenth Subdivision were considered at the Regional Planning Commission at the September 2, 2020 meeting.

A motion was made by Maurer and second by Rubio to approve all items on the Copper Creek 16th Subdivision subject to the conditions approval of the rezoning.

The motion was carried with eight members voting in favor (O’Neill, Ruge, Nelson, Monter, Maurer, Allan, Rubio and Rainforth) with 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
Guarantee Group LLC
PO BOX 5916
Grand Island, NE 68802

To create

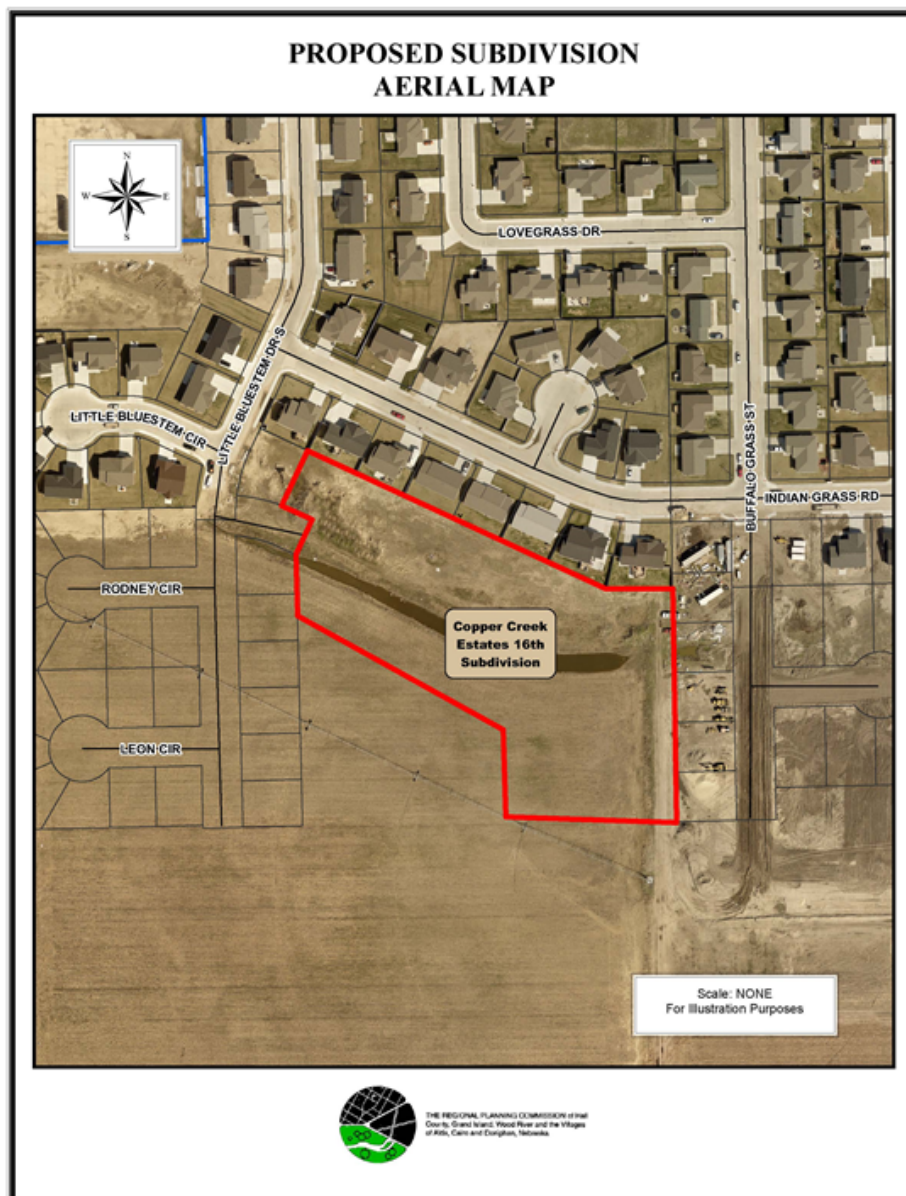
Size: Final Plat 27 lots, 4.086 Acres

Zoning: R3-SL Medium Density Small Lot Residential if approved

Road Access: All new streets will be 37 foot concrete curb and gutter.

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.

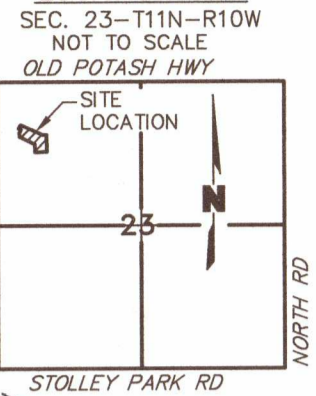


COPPER CREEK ESTATES SIXTEENTH SUBDIVISION

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT

LOCATION MAP



LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (5/8" REBAR)
- EXISTING PROPERTY LINE
- NEW PROPERTY LINE
- SUBDIVISION LINE
- - - EXIST. DRAINAGE EASEMENT LINE
- - - EXIST. UTILITY EASEMENT LINE
- - - PROPOSED DRAINAGE EASEMENT LINE
- - - PROPOSED UTILITY EASEMENT LINE
- M MEASURED DISTANCE
- P1 PLATTED DISTANCE COPPER CREEK RODNEY LEON SUB
- P2 PLATTED DISTANCE COPPER CREEK ESTATES EIGHTH SUB
- P3 PLATTED DISTANCE COPPER CREEK ESTATES THIRTEENTH SUB

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF LOT 24, COPPER CREEK ESTATES EIGHTH SUBDIVISION, ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S65°08'44"E ALONG THE SOUTHWESTERLY LINE OF SAID COPPER CREEK ESTATES EIGHTH SUBDIVISION, A DISTANCE OF 500.06 FEET TO THE SOUTHWEST CORNER LOT 17, SAID COPPER CREEK ESTATES EIGHTH SUBDIVISION; THENCE N88°14'16"E A DISTANCE OF 100.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE S00°54'44"E ALONG THE WEST LINE OF COPPER CREEK ESTATES THIRTEENTH SUBDIVISION, A DISTANCE OF 349.31 FEET TO THE SOUTHWEST CORNER OF LOT 5, COPPER CREEK ESTATES THIRTEENTH SUBDIVISION; THENCE S89°37'46"W A DISTANCE OF 253.27 FEET; THENCE N01°22'27"W, A DISTANCE OF 150.77 FEET; THENCE N64°58'48"W A DISTANCE OF 351.45 FEET TO A POINT BEING ON THE EAST LINE OF COPPER CREEK RODNEY LEON SUBDIVISION; THENCE N01°22'22"W A DISTANCE OF 101.41 FEET TO THE NORTHEAST CORNER LOT 24, SAID COPPER CREEK RODNEY LEON SUBDIVISION; THENCE N25°02'34"E A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF KENNETH DRIVE; THENCE N65°08'42"W ALONG SAID NORTH RIGHT-OF-WAY A DISTANCE OF 37.86 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 02°19'53", HAVING A RADIUS OF 300.00 FEET, AND CHORD BEARING N68°33'09"W A CHORD DISTANCE OF 12.21 FEET TO THE SOUTHEAST CORNER LOT 25, SAID COPPER CREEK RODNEY LEON SUBDIVISION; THENCE N25°02'34"E ALONG THE EAST LINE OF SAID LOT 25 A DISTANCE OF 91.05 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 177,998.25 SQUARE FEET OR 4.086 ACRES MORE OR LESS OF WHICH 0.931 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

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 PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., 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.

JAI JASON ANDRIST, REGISTERED LAND SURVEYOR NUMBER, LS-630

DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT THE GUARANTEE GROUP, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "COPPER CREEK ESTATES SIXTEENTH SUBDIVISION" IN PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., 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
THIS ____ DAY OF _____, 2020

SEAN P. O'CONNOR, A MEMBER
THE GUARANTEE GROUP, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGMENT

STATE OF NEBRASKA SS
COUNTY OF HALL

ON THIS ____ DAY OF _____, 2020, BEFORE ME _____, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED SEAN P. O'CONNOR, A MEMBER, THE GUARANTEE GROUP, 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 HERETO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT _____, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

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.

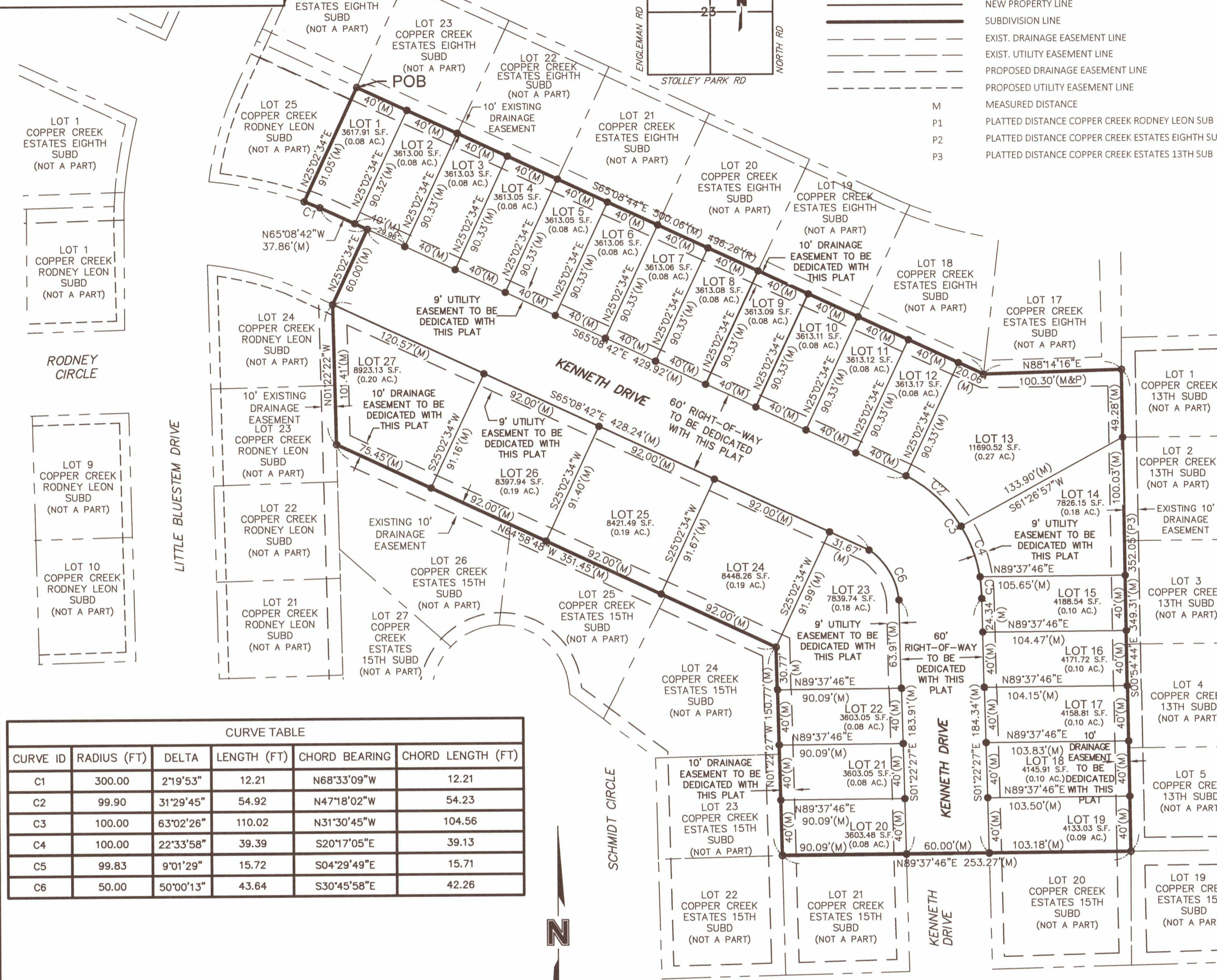
CHAIRPERSON _____ DATE _____

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

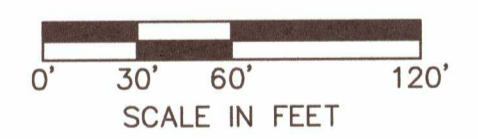
THIS ____ DAY OF _____, 2020

MAYOR _____

CITY CLERK _____



| CURVE TABLE | | | | | |
|-------------|-------------|-----------|-------------|---------------|-------------------|
| CURVE ID | RADIUS (FT) | DELTA | LENGTH (FT) | CHORD BEARING | CHORD LENGTH (FT) |
| C1 | 300.00 | 2°19'53" | 12.21 | N68°33'09"W | 12.21 |
| C2 | 99.90 | 31°29'45" | 54.92 | N47°18'02"W | 54.23 |
| C3 | 100.00 | 63°02'26" | 110.02 | N31°30'45"W | 104.56 |
| C4 | 100.00 | 22°33'58" | 39.39 | S20°17'05"E | 39.13 |
| C5 | 99.83 | 9°01'29" | 15.72 | S04°29'49"E | 15.71 |
| C6 | 50.00 | 50°00'13" | 43.64 | S30°45'58"E | 42.26 |



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

PROJECT NO. 2020-0378-A
GUARANTEE GROUP SURVEY
FB

OWNERS: THE GUARANTEE GROUP, LLC
SUBDIVIDER: THE GUARANTEE GROUP, LLC
SURVEYOR: OLSSON
ENGINEER: OLSSON
NUMBER OF LOTS: 27

DWG: F:\2020\0001-0500\020-0378-A\40-Design\Survey\SRV\Sheets_V_FPT_COPPER_CREEK_ESTATES_16TH_0200378A.dwg
 DATE: Aug 14, 2020 1:00pm
 XREFS: v_xtpc.gim_80480 V_FPT_COPPER_CREEK_15TH_0180480 V_FPT_019-0415 V_XBASE_A200378_7-2-20
 USER: jjimenez PBASE_70270

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

COPPER CREEK ESTATES SIXTEENTH SUBDIVISION
(1 through 27 Inclusive)

In the City of Grand Island, Hall County Nebraska

The undersigned, GUARANTEE GROUP LCC 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 PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COPPER CREEK ESTATES 13TH SUBDIVISION, GRAND ISLAND, NEBRASKA; THENCE S88°37'46"W A DISTANCE OF 253.27 FEET; THENCE N01°22'27"W 150.77 FEET; THENCE N64°58'48"W A DISTANCE OF 351.45 FEET TO A POINT BEING ON THE EAST LINE OF COPPER CREEK RODNEY LEON SUBDIVISION, GRAND ISLAND, NEBRASKA; THENCE N01°22'22"W A DISTANCE OF 101.41 FEET TO THE NORTHEAST CORNER LOT 24, SAID COPPER CREEK RODNEY LEON SUBDIVISION; THENCE N25°02'34"E A DISTANCE OF 60.00 FEET TO A POINT THE NORTH RIGHT-OF-WAY LINE OF GOLDENROD DRIVE; THENCE N65°08'42"W ALONG SAID NORTH RIGHT-OF-WAY A DISTANCE OF 37.86 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 02°19'53", HAVING A RADIUS OF 300.00 FEET, AND CHORD BEARING N68°33'09"W A DISTANCE OF 12.21 FEET TO THE SOUTHEAST CORNER LOT 25, SAID COPPER CREEK RODNEY LEON SUBDIVISION, THENCE N25°02'34"E ALONG THE EAST LINE OF SAID LOT 25 A DISTANCE OF 91.05 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 177,998.25 SQUARE FEET OR 4.086 ACRES MORE OR LESS OF WHICH 0.931 ACRES IS NEW DEDICATED 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 COPPER CREEK ESTATES SIXTEENTH 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 COPPER CREEK ESTATES SIXTEENTH 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 Kenneth Drive in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection. If the Subdivider fails to pave Kenneth Drive, the City may create a paving district to perform such work.

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.

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 |
|---------------|---------------|-----------------------|--|
| Kenneth Drive | | | NO |

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. **Front Yard Setback.** The Subdivider shall maintain the required front yard setback along the entire street frontage of Kenneth Drive adjoining Lot 12. This clarification was added to the agreement because of the length and curve along this frontage to avoid confusion in the future

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 COPPER CREEK ESTATES SIXTEENTH 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.

GUARANTEE GROUP LLC., A
NEBRASKA LIMITED LIABILITY
COMPANY, Subdivider

By: _____
Sean P. O'Connor, A 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 Sean P. O'Connor, A Member of Guarantee Group, 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 Guarantee Group, 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: _____

RESOLUTION 2020-229

WHEREAS know all men by these presents, that the Guarantee Group, LLC, a Nebraska Limited Liability Company, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "COPPER CREEK ESTATES SIXTEENTH SUBDIVISION", A tract of land consisting of part of the northwest quarter (NW ¼) of Section twenty-three (23), Township eleven (11) north, range ten (10) west of the 6th P.M., in the jurisdiction of 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.

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 COPPER CREEK ESTATES SIXTEENTH 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, September 22, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| September 10, 2020 | ☐ City Attorney |