



# City of Grand Island

Tuesday, October 27, 2020

Council Session - Updated

## Item G-3

**#2020-260 - Approving Final Plat and Subdivision Agreement for  
NWE North Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** October 27, 2020  
**Subject:** NWE North Subdivision – Final Plat  
**Presenter(s):** Chad Naby, AICP, Regional Planning Director

## Background

This property is located north of Capital Avenue west of Engleman Road in Grand Island, Nebraska. (1 lot, .227 acres). This property is zoned AG2-Secondary Agriculture. A tract of land consisting of part of the northeast quarter of the northeast quarter (SE ¼ , SE ¼ ) of Section Three (3), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., Hall County, Nebraska.

## Discussion

The final plat for NWE Nouth Subdivision were considered at the Regional Planning Commission at the September 2, 2020 meeting. The proposed lot is smaller than the required lot size but sufficient for Northwestern Public Energy to locate a utility substation on this corner to expand their ability to provide service to the citizens of Grand Island. They are requesting that Council permit this subdivision with a smaller lot size as allowed by the subdivision regulations.

A motion was made by Maurer and second by Rubio to approve all items on the consent agenda subject to the conditions outlined above

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**

Mettenbrink Family Investments, L.L.C  
3042 Engleman Road  
Grand Island, NE 68803

To create

**Size: Final Plat 1** lot, 0.227 Acres

**Zoning** AG2-Secondary Agriculture

**Road Access:** Existing rural section county road (Capital Avenue and Engleman Road)

**Water:** City water is available and should not be needed for this gas utility sub-station.

**Sewer:** Sewer is available but should not be needed for the gas utility sub-station.



# NWE NORTH SUBDIVISION

## AN ADDITION TO THE CITY OF GRAND ISLAND

### HALL COUNTY, NEBRASKA

### FINAL PLAT

#### LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4, SE1/4) OF SECTION THREE (3), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 3-T11N-R10W, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°49'01"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4), A DISTANCE OF 110.00 FEET; THENCE N01°04'05"W A DISTANCE OF 90.00 FEET; THENCE N89°49'01"E A DISTANCE OF 110.00 FEET TO A POINT ON THE EAST LINE OF SAID SE1/4; THENCE S01°04'05"E, ALONG THE EAST LINE OF SAID SE1/4, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 9898.83 SQUARE FEET OR 0.227 ACRES MORE OR LESS OF WHICH 0.147 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 SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4, SE1/4) OF SECTION THREE (3), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., 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 METTENBRINK FAMILY INVESTMENTS, L.L.C., BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "NWE NORTH SUBDIVISION" IN PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4, SE1/4) OF SECTION THREE (3), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., 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 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.

\_\_\_\_\_  
 GARY R. METTENBRINK, \_\_\_\_\_ (TITLE)  
 METTENBRINK FAMILY INVESTMENTS, L.L.C.

#### ACKNOWLEDGMENT

STATE OF NEBRASKA  
 COUNTY OF HALL

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, \_\_\_\_\_ A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED GARY R. METTENBRINK, \_\_\_\_\_ (TITLE), METTENBRINK FAMILY INVESTMENTS, L.L.C., 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.

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.

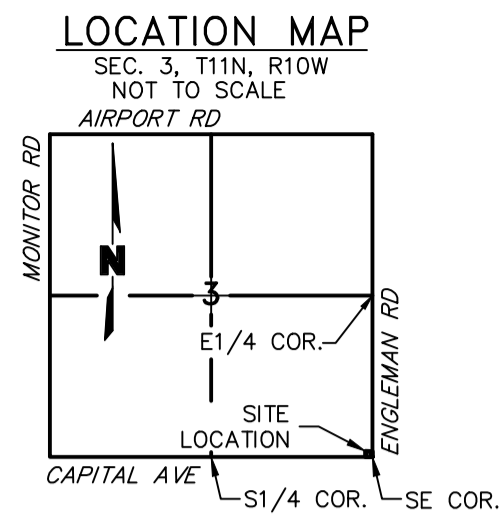
CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CITY CLERK



#### SECTION TIES

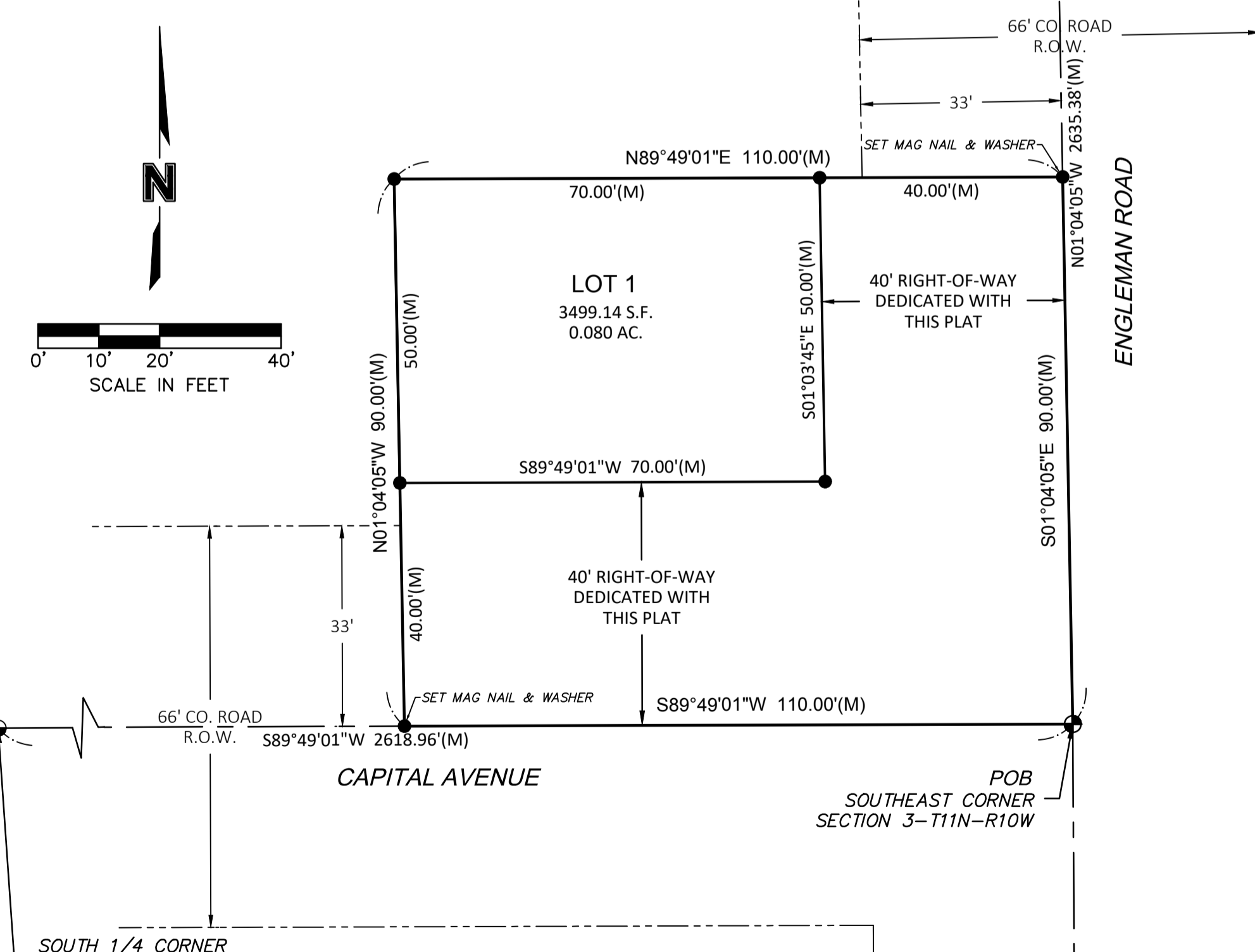
**EAST 1/4 CORNER, SEC. 3-T11N-R10W**  
 FOUND SURVEY SPIKE w/WASHER AT GRADE IN NORTH-SOUTH ASPHALT COUNTY ROAD  
 E 33.41' TO 1/2" REBAR IN BROKEN CONCRETE WITNESS CORNER  
 E 39.99' TO 1/2" IRON PIPE (PROPERTY CORNER)  
 W 31.99' TO REDHEAD IN POWER POLE  
 SW 51.32' TO REDHEAD IN END FENCE POST

**SOUTHEAST CORNER, SEC. 3-T11N-R10W**  
 FOUND ASPHALT NAIL w/WASHER IN CENTERLINE ASPHALT ROAD INTERSECTION AT GRADE  
 NW 45.34' TO REDHEAD IN POWER POLE  
 NE 46.03' TO TOP OPERATION NUT ON FIRE HYDRANT  
 NE 47.77' TO REDHEAD IN POWER POLE  
 SW 51.49' TO REDHEAD IN CORNER FENCE POST

**SOUTH 1/4 CORNER, SEC. 3-T11N-R10W**  
 FOUND 5/8" REBAR w/ALUMINUM CAP AT GRADE IN CONCRETE CYLINDER ON CENTERLINE EAST-WEST ASPHALT ROAD  
 NE 46.35' TO REDHEAD IN POWER POLE  
 N 36.40' TO NEAR FACE STEEL BOLLARD w/CONCRETE  
 NW 53.99' TO REDHEAD IN POWER POLE  
 SSW 66.75' TO REDHEAD IN POWER POLE

#### LEGEND

- SECTION CORNER
- SET CORNER (5/8"x24" REBAR W/CAP OR AS NOTED)
- ROW LINE
- SECTION LINE
- NEW PROPERTY LINE
- NEW SUBDIVISION LINE
- M MEASURED DISTANCE



	201 East 2nd Street Grand Island, NE 68801 TEL 308.384.8750 FAX 308.384.8752	2020-0409 NORTHWESTERN ENERGY GI 2020 SURVEY FB	OWNERS: METTENBRINK FAMILY INVESTMENTS, L.L.C. SUBDIVIDER: METTENBRINK FAMILY INVESTMENTS, L.L.C. SURVEYOR: OLSSON ENGINEER: OLSSON NUMBER OF LOTS: 1
	DWG: F:\2020\0001-0500\020-0409\40-Design\Survey\SRVY\Sheets\V_FPLAT METTENBRINK_0200409.dwg DATE: Aug 17, 2020 4:09pm USER: jjimenez XREFS: V_XTPOPO_0200409 V_XRWAY_0200409		
	GRAND ISLAND COUNCIL SESSION - UPDATED - 10/27/2020		

\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**NWE NORTH SUBDIVISION**  
1 LOT

In the City of Grand Island, Hall County Nebraska

The undersigned, **METTENBRINK FAMILY INVESTMENTS, L.L.C.**  
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  
SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER  
(SE1/4, SE1/4) OF SECTION THREE (3), TOWNSHIP ELEVEN  
(11) NORTH, RANGE TEN (10) WEST OF THE 6<sup>TH</sup> P.M.,  
HALL COUNTY, NEBRASKA AND MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF  
SECTION 3-T11N-R10W, SAID POINT BEING THE POINT OF  
BEGINNING; THENCE ON AN ASSUMED BEARING OF  
S89°49'01"W ALONG THE SOUTH LINE OF THE  
SOUTHEAST QUARER (SE1/4), A DISTANCE OF 110.00  
FEET; THENCE N01°04'05"W A DISTANCE OF 90.00 FEET;  
THENCE N89°49'01"E A DISTANCE OF 110.00 FEET TO A

POINT ON THE EAST LINE OF SAID SE1/4; THENCE S01°04'05"E, ALONG THE EASTLINE OF SAID SE1/4, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 989.83 SQUARE FEET OR 0.227 ACRES MORE OR LESS OF WHICH 0.147 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 NWE NORTH 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 NWE NORTH 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 Capital Avenue and Engleman Road where they abut 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.

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 Capital Avenue and Engleman 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. **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. **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.

8. **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 NWE NORTH 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.

9. **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.

METTENBRINK FAMILY  
INVESTMENTS, L.L.C.

By: \_\_\_\_\_  
Gary R. Mettenbrink, Managing Member

STATE OF NEBRASKA        )  
  ) ss  
COUNTY OF HALL         )



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

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

RESOLUTION 2020-260

WHEREAS know all men by these presents, that Mettenbrink Family Investments, L.L.C., being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “NWE NORTH SUBDIVISION”, A tract of land consisting of part of the southeast quarter of the southeast quarter (SE ¼ SE ¼ ) of Section three (3), Township eleven (11) north, range ten (10) west of the 6<sup>th</sup> 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, this property is being purchased by Northwestern Energy to be used for a utility substation; and

WHEREAS, the lot in this subdivision does not meet the minimum lot size requirements of the AG2 zoning district but does meet the minimum size needed for a utility substation; 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.

BE IT FURTHER RESOLVED that the final plat of NWE NORTH 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.

Approved as to Form    ✕ _____ September 10, 2020    ✕ City Attorney
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Adopted by the City Council of the City of Grand Island, Nebraska, October 27, 2020.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk

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