



# City of Grand Island

Tuesday, October 27, 2020

Council Session - Updated

## Item G-4

**#2020-261 - Approving Final Plat and Subdivision Agreement for  
NWE South Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

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

## Background

This property is located south of Husker Highway west of Engleman Road Grand Island, Nebraska. (1 lot, .064 acres). This property is zoned AG2-Secondary Agriculture. A tract of land consisting of part of the northeast quarter of the northeast quarter (NE ¼ , NE ¼ ) of Section Thirty-Four (34), 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 South 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**

Steven D. Hostler and Elaine S. Hostler  
4513 W Husker Hwy  
Alda, NE 68810

To create

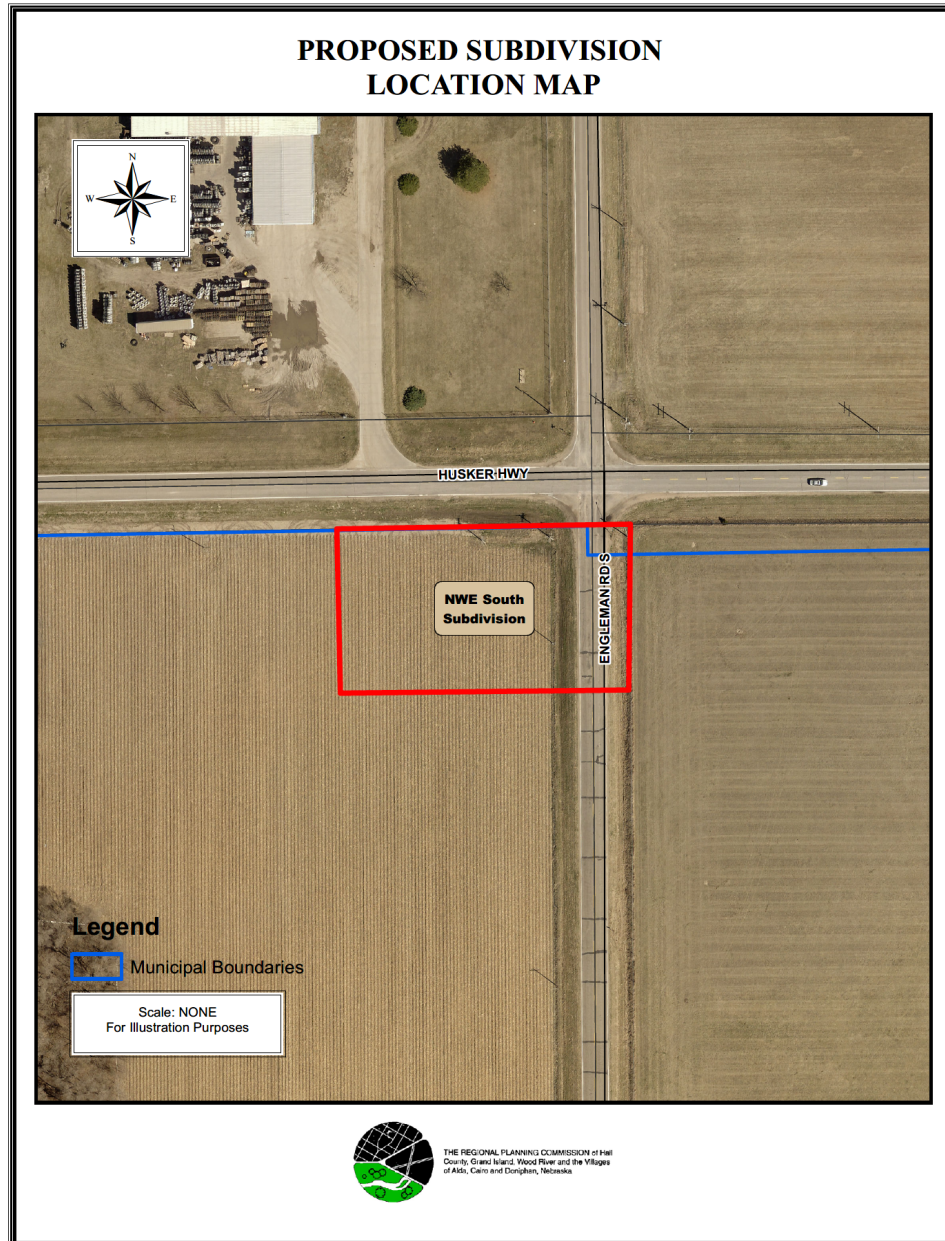
**Size:** Final Plat 1 lot, 0.064 Acres

**Zoning:** AG2-Secondary Agriculture

**Road Access:** Existing rural section county road (Husker Highway and Engleman Road)

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

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

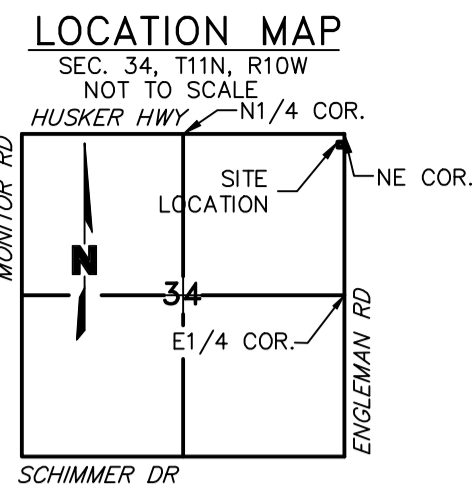


# NWE SOUTH SUBDIVISION

## AN ADDITION TO THE CITY OF GRAND ISLAND

### HALL COUNTY, NEBRASKA

#### FINAL PLAT



### LEGEND

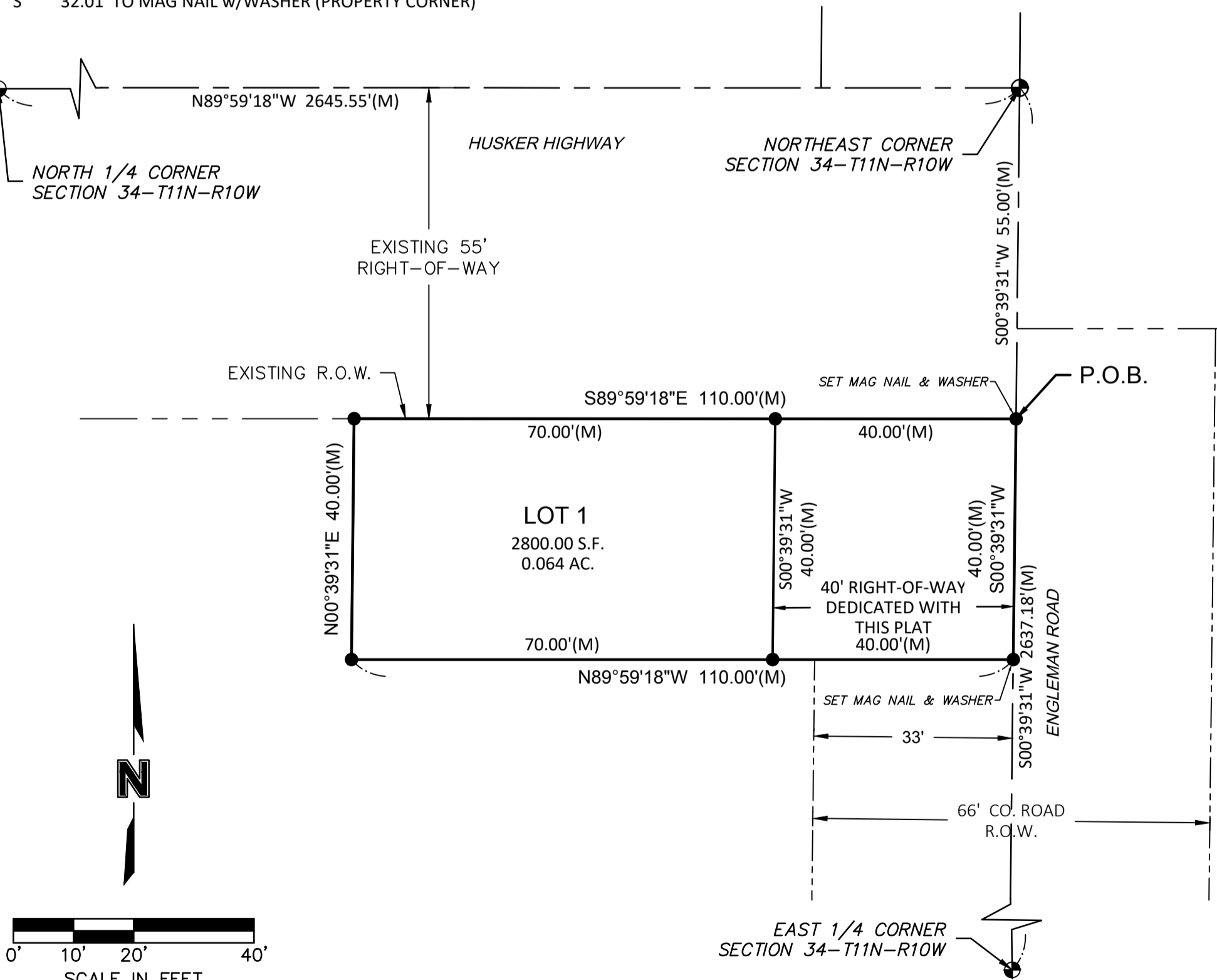
- SECTION CORNER
- SET CORNER (5/8"x24" REBAR W/CAP OR AS NOTED)
- ROW LINE
- SECTION LINE
- NEW PROPERTY LINE
- NEW SUBDIVISION LINE
- M MEASURED DISTANCE

### SECTION TIES

**NORTH 1/4 CORNER, SEC. 34-T11N-R10W**  
 FOUND 1" IRON PIPE w/MAG NAIL INSIDE, 0.1' BELOW GRADE, NORTH SIDE OF GRAVEL DRIVE  
 SW 44.02' TO NAIL IN TOP OF CORNER FENCE POST  
 SSW 68.39' TO MAG NAIL IN TOP FENCE POST  
 WSW 90.84' TO NAIL IN TOP OF FENCE POST  
 ESE 151.25' TO TOP OPERATION NUT ON FIRE HYDRANT

**NORTHEAST CORNER, SEC. 34-T11N-R10W**  
 FOUND 3" ALUMINUM CAP @ GRADE IN CENTERLINE INTERSECTION ASPHALT ROAD  
 NE 58.60' TO 'X' NAILS IN POWER POLE  
 NW 70.50' TO TOP OPERATION NUT ON FIRE HYDRANT  
 SW 62.64' TO REDHEAD IN POWER POLE  
 SE 60.96' TO REDHEAD IN POWER POLE

**EAST 1/4 CORNER, SEC. 34-T11N-R10W**  
 FOUND ALUMINUM CAP, 0.1' BELOW GRADE IN CENTERLINE OF ASPHALT COUNTY ROAD NORTH-SOUTH  
 ESE 40.89' TO RED HEAD IN TOP OF FENCE POST  
 E 32.97' TO NEAR FACE CONCRETE WITNESS CORNER  
 W 32.67' TO NEAR FACE CONCRETE WITNESS CORNER  
 WSW 33.89' TO MAG NAIL w/WASHER IN TOP FENCE POST  
 S 32.01' TO MAG NAIL w/WASHER (PROPERTY CORNER)



**olsson**  
 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: STEVEN D. HOSTLER AND ELAINE S. HOSTLER  
 SUBDIVIDER: STEVEN D. HOSTLER AND ELAINE S. HOSTLER  
 SURVEYOR: OLSSON  
 ENGINEER: OLSSON  
 NUMBER OF LOTS: 1

### LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION THIRTY-FOUR (34), 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 NORTHEAST CORNER OF SECTION 34-T11N-R10W; THENCE ON AN ASSUMED BEARING OF S00°39'31"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°39'31"W, ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET; THENCE N89°59'18"W A DISTANCE OF 110.00 FEET; THENCE N00°39'31"E A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY; THENCE S89°59'18"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 2800.00 SQUARE FEET OR 0.064 ACRES MORE OR LESS OF WHICH 0.037 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 NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION THIRTY-FOUR (34), 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 STEVEN D. HOSTLER AND ELAINE S. HOSTLER, HUSBAND AND WIFE, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "NWE SOUTH SUBDIVISION" IN PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION THIRTY-FOUR (34), 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, AT \_\_\_\_\_, NEBRASKA,  
 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020. THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 STEVEN D. HOSTLER

\_\_\_\_\_  
 ELAINE S. HOSTLER

### ACKNOWLEDGMENT

STATE OF NEBRASKA  
 COUNTY OF HALL  
 ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME,  
 \_\_\_\_\_ A NOTARY PUBLIC WITHIN AND FOR  
 SAID COUNTY, PERSONALLY APPEARED STEVEN D. HOSTLER, 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.

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME,  
 \_\_\_\_\_ A NOTARY PUBLIC WITHIN AND FOR  
 SAID COUNTY, PERSONALLY APPEARED ELAINE S. HOSTLER, 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 \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

\_\_\_\_\_  
 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

\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT  
**NWE SOUTH SUBDIVISION**  
1 LOT

In the City of Grand Island, Hall County Nebraska

The undersigned, STEVEN D. HOSTLER and ELAINE S. HOSTLER, 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 TRACE OF LAND CONSISTING OF PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION THIRTY-FOUR (34), 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 NORTHEAST CORNER OF SECTION 34-T11N-R10W; THENCE ON AN ASSUMED BEARING OF S00 °39'31"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°39'31"W, ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET; THENCE N89°59'18"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE

OF 110.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 2800.00 SQUARE FEET OR 0.064 ACRES MORE OR LESS OF WHICH 0.037 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 SOUTH 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 SOUTH 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 Husker Highway 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 main is not available to the subdivision; therefore individual systems shall be permissible on an initial basis. However, the Subdivider waives the right to protest the creation of a sanitary sewer district within or abutting the subdivision.

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 Husker Highway 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 SOUTH 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.

STEVEN D. HOSTLER, Subdivider

ELAINE S. HOSTLER, Subdivider

By: \_\_\_\_\_  
Steven D. Hostler

By: \_\_\_\_\_  
Elaine S. Hostler

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 Steven D. Hostler, 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.

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 Elaine S. Hostler, 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.

WITNESS my hand and notarial seal the date above written.

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

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



RESOLUTION 2020-261

WHEREAS know all men by these presents, that Steven D. Hostler and Elaine S. Hostler, husband and wife, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “NWE SOUTH SUBDIVISION”, A tract of land consisting of part of the northeast quarter of the northeast quarter (SE ¼ SE ¼ ) of Section thirty-four (34), 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, 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 SOUTH 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, October 27, 2020.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

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