



City of Grand Island

Tuesday, October 27, 2020

Council Session - Updated

Item G-5

**#2020-262 - Approving Final Plat and Subdivision Agreement for
Kate Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

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

Background

This property is located east of Vine Street and south of 12th Street in Grand Island, Nebraska. (2 lots, 0.16069 acres). This property is zoned R4 – High Density Residential Zone. A replat of lot Five (5), Block Thirty Six (36) Russel Wheeler’s Addition, to the City of Grand Island, Hall County, Nebraska. This property consists of 2 houses on a single lot. The houses were built in 1915 and 1927. Each house is served by its own water, waste water and electric services. In order to approve this subdivision Council has to grant a waiver to the minimum lot size requirement in the R4 zoning district.

Discussion

The final plat for Kate Subdivision were considered at the Regional Planning Commission at the October 7, 2020 meeting.

A motion was made by Ruge and second by Rubio to approve all items on the Kate Subdivision subject to the conditions approval of the rezoning.

The motion was carried with nine members voting in favor (O’Neill, Ruge, Hendricksen, Robb, Nelson, Monter, Randone, 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

Tom Ummel Sr.
567 S. Shady Bend
Grand Island, NE 68801

To create

Size: Final Plat 2 lots, 0.16069 Acres

Zoning: R4 High Density Residential Zone

Road Access: Property is served by 37' wide public city streets..

Water Public: City water is available and both house are connected. Owner is separating services.

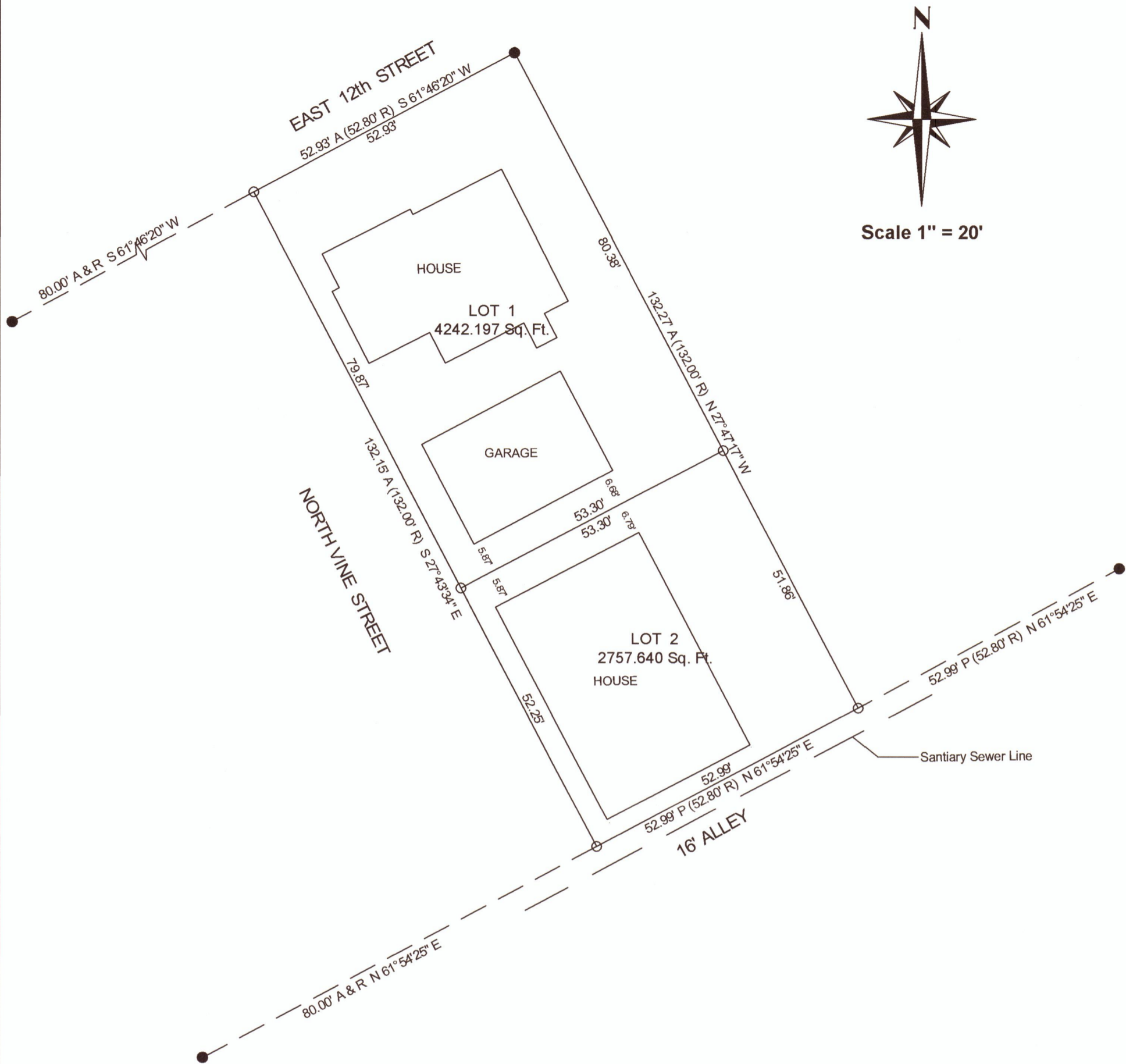
Sewer Public: City sewer is available and both houses are connected individually.



KATE SUBDIVISION

GRAND ISLAND, NEBRASKA

Utilities



LEGAL DESCRIPTION

A Replat of Lot Five (5), Block Thirty Six (36) Russel Wheeler's Addition, to the City of Grand Island, Hall County, Nebraska

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Tom Ummel Sr., a single person, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as KATE SUBDIVISION in City of Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate 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.

Tom Ummel Sr.
Date _____

ACKNOWLEDGEMENT

State of Nebraska
County of Hall

On the ___ day of _____, 2020, before me _____ a Notary Public within and for said County, personally appeared Tom Ummel Sr., and to me personally known to be the identical persons whose signature is affixed hereto, and that he did acknowledge 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 _____, 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

SURVEYORS CERTIFICATE

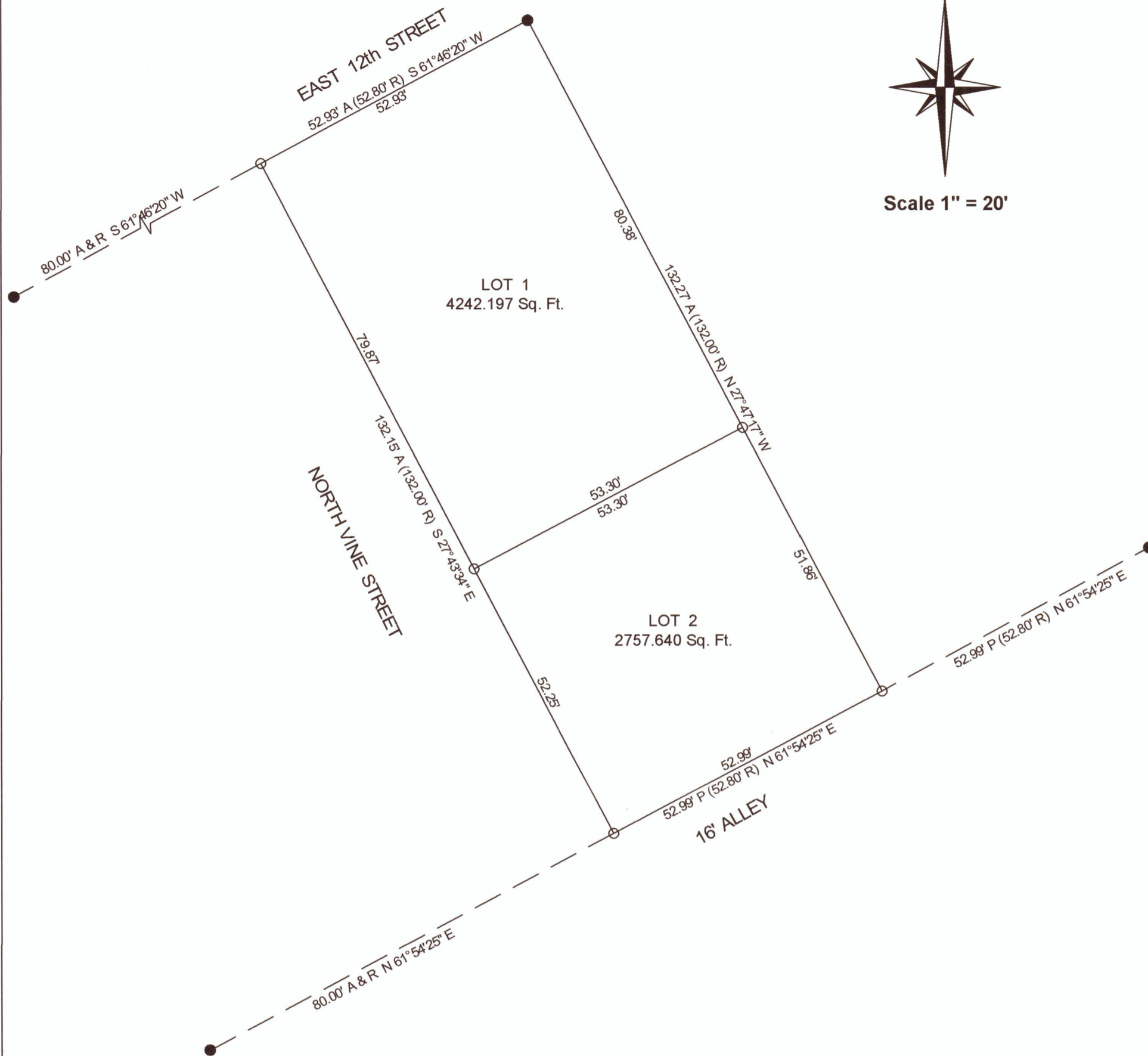
I hereby certify that on September 13, 2020, I completed an accurate survey of 'KATE SUBDIVISION', in Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying 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

KATE SUBDIVISION			
<small>LOCATION:</small> GRAND ISLAND, NEBRASKA			
<small>TITLE:</small> 1113 N. Vine Street			
<small>SCALE: AS SH.</small> 1" = 20'	<small>DATE:</small> 9/14/2020	<small>DRAWN BY:</small> BRENT C	<small>SHEET:</small> 1 OF 1
<small>GENESCH PROJECT NO:</small>	<small>DRAWING NO:</small> 20-103	<small>REVISION:</small>	

KATE SUBDIVISION

GRAND ISLAND, NEBRASKA



LEGAL DESCRIPTION

A Replat of Lot Five (5), Block Thirty Six (36) Russel Wheeler's Addition, to the City of Grand Island, Hall County, Nebraska

DEDICATION

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Tom Ummel Sr.
Date _____

ACKNOWLEDGEMENT

State of Nebraska
County of Hall

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IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at _____, 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

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Day of _____, 2020

Mayor

City Clerk

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Brent D Cyboron
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KATE SUBDIVISION			
LOCATION: GRAND ISLAND, NEBRASKA			
TITLE: 1113 N. Vine Street			
SCALE AT AS: 1" = 20'	DATE: 9/14/2020	DRAWN: BRENT C	PAGE: 1 OF 1
BENESCH PROJECT NO.	DRAWING NO. 20-103	REVISION:	

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

KATE SUBDIVISION
2 LOTS

In the City of Grand Island, Hall County Nebraska

The undersigned, TOM UMMEL, SR., 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 LOT FIVE (5), BLOCK THIRTY SIX (36)
RUSSEL WHEELER'S ADDITION, TO THE CITY OF GRAND
ISLAND, HALL COUNTY, NEBRASKA;

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 KATE 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 KATE 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 12th Street and Vine Street where they abut 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 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 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 maintain all public sidewalks required by the City of Grand Island.

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. **Separation of Utilities.** The Subdivider agrees that they are separating existing buildings onto separate lots and will provide to the City with this agreement proof that each lot is served by separate water services. The Subdivider shall be responsible for all permits and inspections required for such separation.

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 KATE 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.

Tom Ummel, Sr., Subdivider

By: _____
Tom Ummel, Sr.

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 Tom Umme1 Sr., 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: _____

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 2020-262

WHEREAS Tom Ummel Sr. being the owner of the land described hereon, have caused the same to be surveyed, subdivided, platted and designated as “KATE SUBDIVISION”, a replat of land consisting of Lot Five (5), Block Thirty-Six (6), Russell Wheeler’s Addition to 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, two houses are located on this single lot and have been since at least 1927 and such houses were legal at the time of construction; and

WHEREAS, the lots of such subdivision cannot meet the minimum lot size requirements of the R4 zoning district; and

WHEREAS, the houses are served with separate water, waste water and electrical services; 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.

Approved as to Form	☐ _____
October 26, 2020	☐ City Attorney

BE IT FURTHER RESOLVED that the final plat of Kate 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

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