



City of Grand Island

Tuesday, November 24, 2020

Council Session

Item G-5

**#2020-295 - Approving Final Plat and Subdivision Agreement for
Leaman Acres Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: November 24, 2020

Subject: Leaman Acres Subdivision – Final Plat

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

Background

This property is located west of North Road and south of Husker Highway in Hall County Nebraska within the 2 mile ETJ of Grand Island, Nebraska. (3 lots, 9.96 acres). This property is zoned LLR Large Lot Residential Zone. A tract of land located in the northwest quarter of the northeast quarter (NW ¼, NE 1/4) of section thirty-five (35), township eleven (11) north, range ten (10) west of the 6th p.m., Hall County, Nebraska. This has been presented as an addition to the City of Grand Island.

Discussion

The final plat for Leaman Acres 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 Leaman Acres Subdivision.

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

Micheal and Ralisa Leaman
42 Sonja Dr.
Doniphan, NE 68832

To create

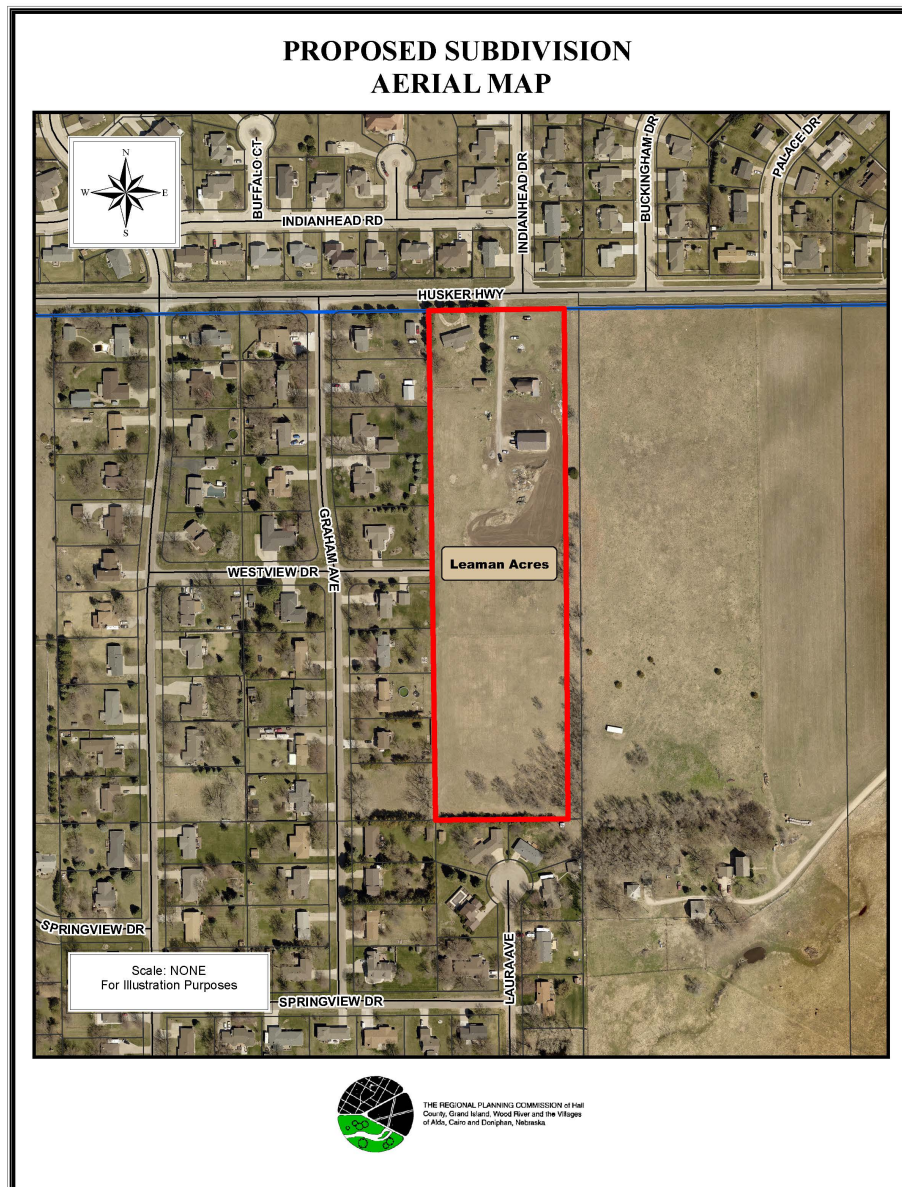
Size: Final Plat 3 lots, 9.96 Acres

Zoning: LLR Large Lot Residential Zone

Road Access: Property is rural section city streets.

Water Public: City water is available on the north side of Husker Highway.

Sewer Public: City sewer not available.



LEAMAN ACRES

AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.

BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35-T11N-R10W, OF THE 6TH P.M., HALL COUNTY, NEBRASKA.

DEDICATION:

KNOWN ALL MEN BY THESE PRESENTS, THAT MICHAEL T. AND RALISA E. LEAMAN (HUSBAND AND WIFE), BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED, AND DESIGNATED AS LEAMAN ACRES, A SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF, AND DO HEREBY DEDICATE ANY STREETS OR EASEMENTS AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER, AND ANY OTHER EASEMENTS IF ANY FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE OF PUBLIC SERVICE UTILITIES FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS THERETO, AND HEREBY PROHIBIT THE PLANTING OF TREES, BUSHES AND SHRUBS, OR PLACING ANY OTHER OBSTRUCTIONS UPON, OVER, ALONG OR UNDERNEATH THE SURFACE OF SUCH EASEMENTS, AND 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 OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, WE HAVE AFFIXED OUR SIGNATURES AT

GRAND ISLAND, NEBRASKA, THIS DAY OF 2020.

MICHAEL T. LEAMAN RALISA E. LEAMAN

ACKNOWLEDGEMENT:

STATE OF NEBRASKA }
COUNTY OF HALL } SS

ON THE DAY OF 20 BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MICHAEL T. LEAMAN AND RALISA E. LEAMAN (HUSBAND AND WIFE) TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED HERETO, AND THEY DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL

SEAL AT NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES 20.

NOTARY PUBLIC (SEAL)

LEGAL DESCRIPTION: (REF. DEED INS. #201705815)

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 10 WEST, OF THE 6TH P.M., HALL COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35 (NORTH 1/4 CORNER) THENCE S89°41'01"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 943.57 FEET, THENCE S00°18'02"W A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING S00°18'02"W ON THE EAST LINE OF BLOCK 2 FIRESIDE ESTATES SUBDIVISION AND THE EAST LINE OF BLOCK 2 FIRESIDE ESTATES SECOND SUBDIVISION A DISTANCE OF 1279.89 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 2 FIRESIDE ESTATES SECOND SUBDIVISION AND ALSO BEING THE NORTHWEST CORNER OF LOT 20 WESTROADS ESTATES THIRD SUBDIVISION, THENCE S89°24'08"E ON THE NORTH LINE OF SAID WESTROADS ESTATES THIRD SUBDIVISION A DISTANCE OF 334.94 FEET, THENCE N00°39'26"E ON A LINE PARALLEL WITH AND 33.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 1281.55 FEET TO THE SOUTH RIGHT OF WAY LINE OF HUSKER HIGHWAY, THENCE N89°41'01"W ON SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 342.91 FEET TO THE POINT OF BEGINNING, CONTAINING 9.96 ACRES MORE OR LESS.

APPROVALS:

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO AND DONIPHAN NEBRASKA

THIS DAY OF 2020.

CHAIRMAN

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

THIS DAY OF 2020.

MAYOR CITY CLERK

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT ON October 6th 2020, I COMPLETED AN ACCURATE SURVEY (MADE BY ME

OR UNDER MY SUPERVISION) OF "LEAMAN ACRES", LOCATED IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA 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 A 1/2"x24" REBAR WITH AN AFFIXED BLUE CAP, STAMPED GRUMMERT, LS-783, WERE PLACED AT ALL CORNERS AS SHOWN ON THE PLAT; THAT EACH LOT BEARS ITS OWN NUMBER; AND THAT SAID SURVEY WAS MADE IN REFERENCE TO KNOWN AND RECORDED MONUMENTS.

Joshua E. Grummert
JOSHUA E. GRUMMERT, LS-783

GRUMMERT PROFESSIONAL SERVICES, LLC

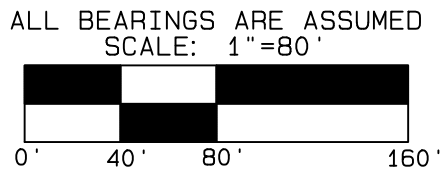
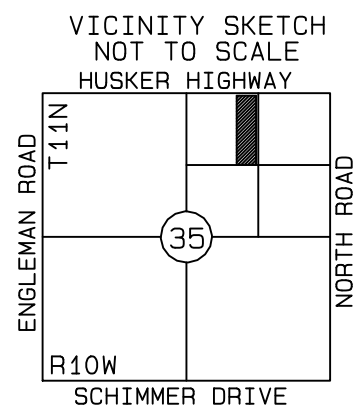
2837 W. HWY 6, STE # 206, HASTINGS NE, 68901
PHONE-402-879-5701 EMAIL- jmgrummert@yahoo.com
WEBSITE- www.grummertsurveying.com

G.P.S. PROJECT # 051-2020



LEGEND :

- D-DEED DISTANCE
- M-MEASURED DISTANCE
- R-RECORD DISTANCE
- G-GOVERNMENT DISTANCE
- P-PLATTED DISTANCE
- UTILITY EASEMENT
- FOUND 1/2" PIPE UNLESS NOTED
- CALCULATED POINT
- SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE



BLOCK 2 FIRESIDE ESTATES

BLOCK 2 FIRESIDE ESTATES SECOND SUB.

WESTROADS ESTATES THIRD SUB.

HALL COUNTY REGISTER OF DEEDS

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

LEAMAN ACRES SUBDIVISION
3 LOTS

In the City of Grand Island, Hall County Nebraska

The undersigned, MICHAEL T LEAMAN and RALISA E LEAMAN, 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 LOCATED IN THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 10 WEST, OF THE 6TH P.M., HALL COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 35 (NORTH $\frac{1}{4}$ CORNER) THENCE S89°41'01"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ A DISTANCE OF 943.57 FEET, THENCE S00°18'02"W A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING S00°18'02"W ON THE EAST LINE OF BLOCK 2 FIRESIDE ESTATES SUBDIVISION

AND THE EAST LINE OF BLOCK 2 FIRESIDE ESTATES SECOND SUBDIVISION A DISTANCE OF 1279.89 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 2 FIRESIDE ESTATES SECOND SUBDIVISION AND ALSO BEING THE NORTHWEST CORNER OF LOT 20 WESTROADS ESTATES THIRD SUBDIVISION, THENCE S89°24'08"E ON THE NORTH LINE OF SAID WESTROADS ESTATES THIRD SUBDIVISION A DISTANCE OF 334.94 FEET, THENCE N00°39'26"E ON A LINE PARALLEL WITH AND 33.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST ¼ OF THE NORTHEAST ¼ A DISTANCE OF 1281.55 FEET TO THE SOUTH RIGHT OF WAY LINE OF HUSKER HIGHWAY, THENCE N89°41'01"W ON SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 342.91 FEET TO THE POINT OF BEGINNING, CONTAINING 9.96 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 LEAMAN ACRES 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 LEAMAN ACRES 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 Westview 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 Westview Drive, the City may create a paving district to perform such work. The Subdivider agrees to waive the right to object to the creation of any paving district for Husker Highway where it abuts the subdivision. The cul-de-sac for Westview Drive may initially be completed with crushed rock, asphalt or similar material. The subdivision shall pave this according to approved plans upon request of the City Engineer or County Engineer.

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. Water service for residential use and fire protection shall be extended to serve lot 3 prior to any construction on said lot 3.

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 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.** Immediate sidewalk construction adjacent to Husker Highway and Westview Drive 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. **Existing Buildings on Lot 2.** The existing buildings on Lot 2 will no longer be accessory to a principal use upon filing this plat. All utilities crossing between lots 1 and 2 shall be removed and the developer shall establish a permitted use on lot 2 within 180 days of filing the plat for Leaman Acres Subdivision or remove the accessory structures.

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 LEAMAN ACRES 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.

MICHAEL T. LEAMAN, Subdivider

RALISA E. LEAMAN, Subdivider

By: _____
Michael T. Leaman

By: _____
Ralisa E. Leaman

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 Michael T. Leaman, 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 Ralisa E. Leaman, 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 2020-295

WHEREAS know all men by these presents, that Micheal T. and Ralisa E Leaman (husband and wife), being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "LEAMAN ACRES SUBDIVISION", A tract of land located in the northwest quarter (NW ¼) of the northeast quarter (NE ¼) of Section thirty-five (35), Township eleven (11) north, range ten (10) west of the 6th P.M., in, Hall County, Nebraska; 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, 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 LEAMAN ACRES 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, November 24, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 23, 2020	☐ City Attorney