



City of Grand Island

Tuesday, February 23, 2021

Council Session

Item G-4

**#2021-27 - Approving Final Plat and Subdivision Agreement for
NuView Second Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP, Regional Planning Commission

Meeting: February 23, 2021

Subject: NuView 2nd Subdivision – Final Plat

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

Background

This property is located east of Saint Paul Road and north of 9th Street in Grand Island, Nebraska (2 lots, 0.75 acres). This property is zoned R4 – High Density Residential Zone.

Discussion

The final plat for NuView 2nd Subdivision were considered at the Regional Planning Commission at the February 3, 2021 meeting.

A motion was made by Ruge and second by Rubio to approve final plat for NuView 2nd Subdivision.

The motion was carried with eight members voting in favor (O'Neill, Ruge, Nelson, Doane, Olson, Monter, 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
Eliseo Calderon
406 W. 3rd
Grand Island, NE 68801

To create

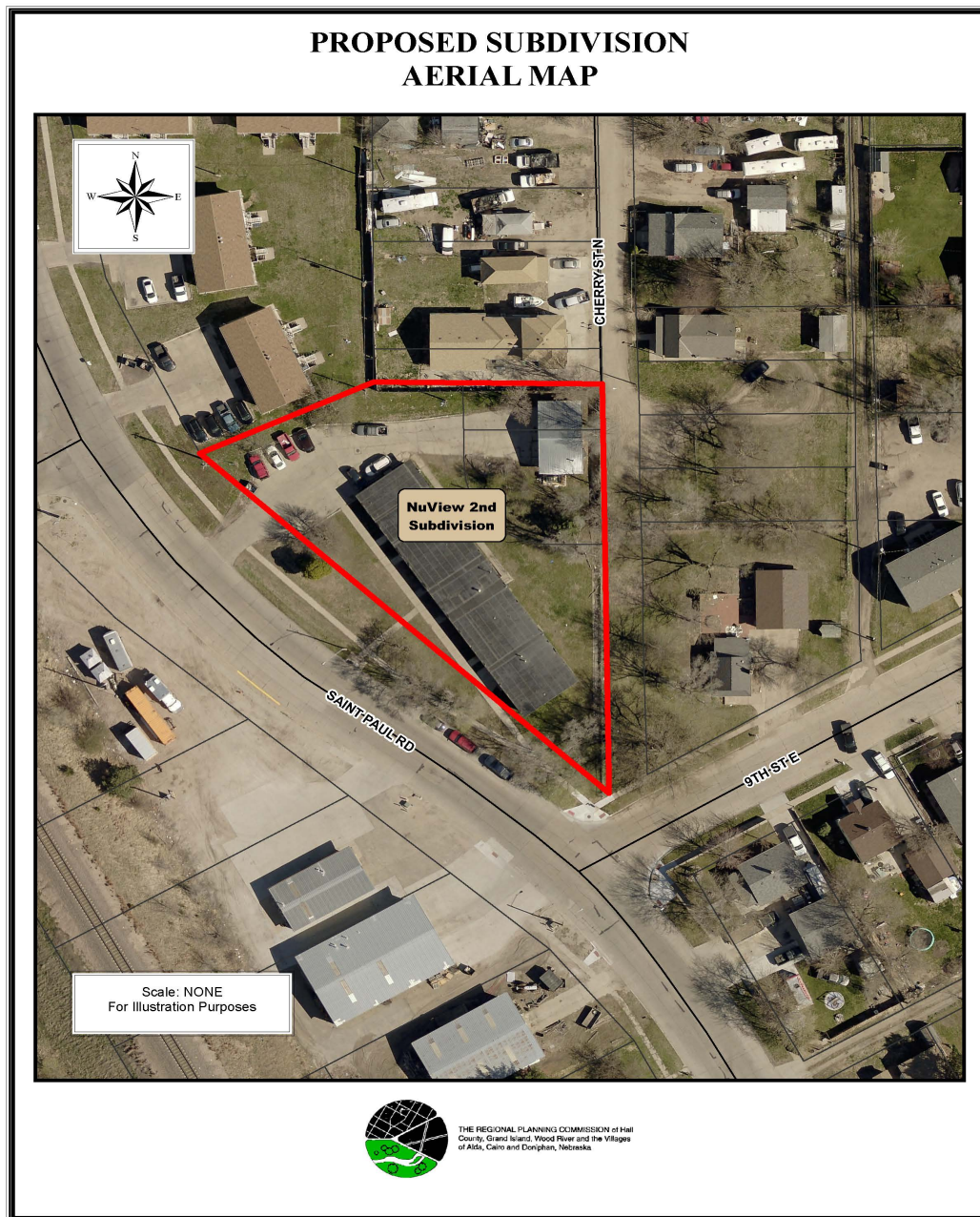
Size: Final Plat 2 lots, 0.75 Acres

Zoning: R4 – High Density Residential Zone

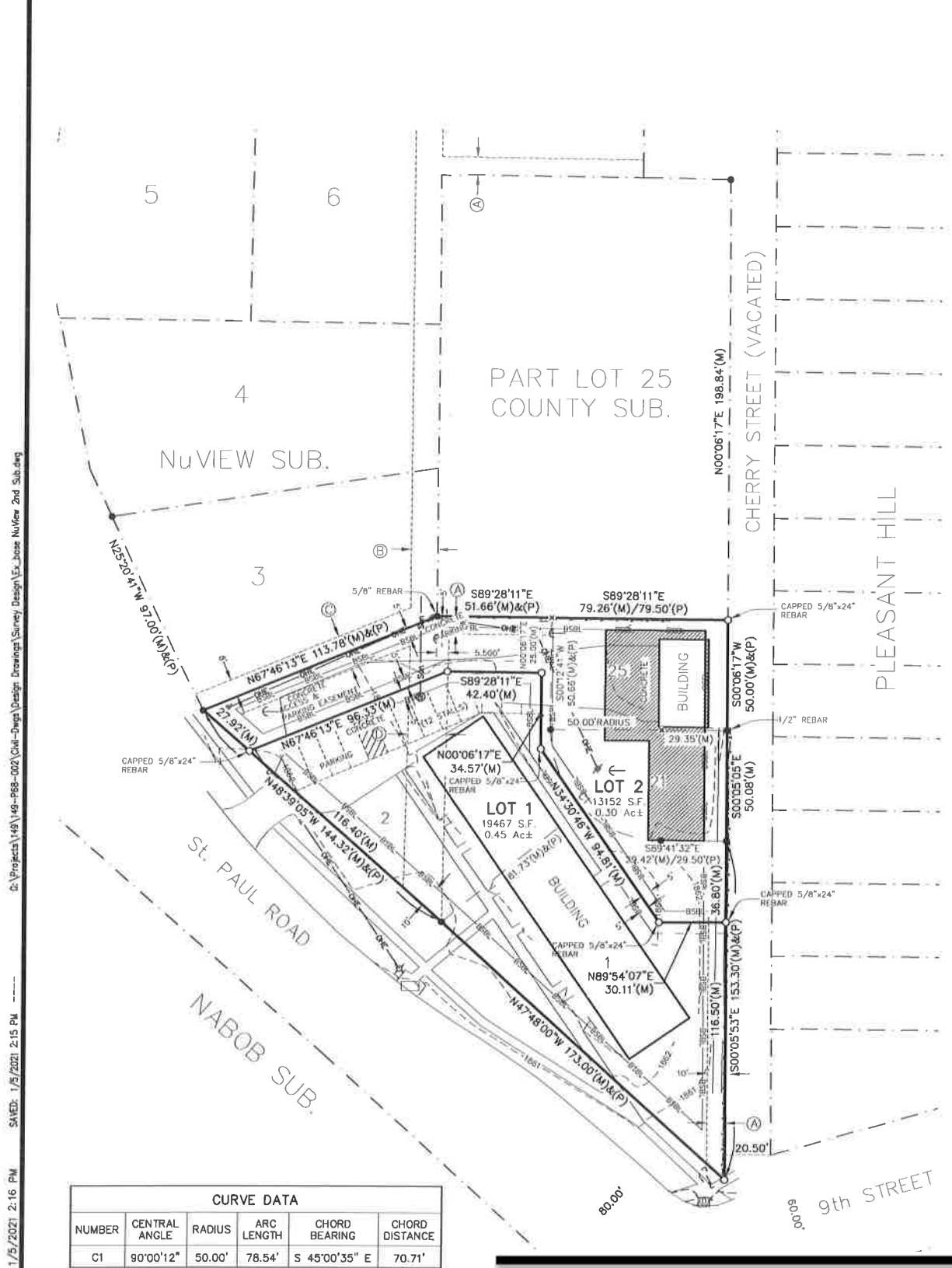
Road Access: St. Paul Road is a curb and gutter paved city street. Cherry Street is unpaved and used as an alley

Water: City water is available

Sewer: City sewer is available.



PROPERTY EXHIBIT
-NuVIEW SECOND SUBDIVISION-
A REPLAT OF LOT 1 AND LOT 2, NUVIEW SUBDIVISION AND PART LOT 21 AND LOT 25 OF COUNTY
SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2SW1/4) OF SECTION TEN
(10), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., IN THE CITY OF
GRAND ISLAND, HALL COUNTY, NEBRASKA



0 40 80
SCALE IN FEET

LEGEND

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (1" IRON PIPE, UNLESS NOTED)
- = CORNERS ESTABLISHED (CHISELED "X" IN CONCRETE, UNLESS NOTED)
- x = TEMPORARY POINT
- (M) = MEASURED DISTANCES
- (R) = RECORDED DISTANCES
- (P) = PLATTED DISTANCES
- = BOUNDARY LINE
- - - = NEW EASEMENT LINE
- - - = EXISTING EASEMENT LINE
- - - = EXISTING LOT LINES
- - - = BUILDING SETBACK LINE
- = POWER POLE
- = OVERHEAD ELECTRIC LINE
- = ELECTRIC BOX
- = LIGHT POLE
- = WATER LINE
- = FIRE HYDRANT
- = VALVE
- = SANITARY SEWER MANHOLE
- = SANITARY SEWER LINE
- = STORM SEWER LINE
- = TELEPHONE BOX
- = MAILBOX
- = PROPOSED BUILDING

NOTE: UTILITY EASEMENTS
A 8' WIDE UTILITIES EASEMENT
B 12' WIDE UTILITIES EASEMENT
C 16' WIDE UTILITIES EASEMENT
D 17.5' WIDE UTILITIES EASEMENT

LEGAL DESCRIPTION AS RECORDED ON INSTRUMENT NO. 201903221

Lot One (1) and Two (2), NuView Subdivision, in the City of Grand Island, Hall County, Nebraska.

And

A tract of land in Lots Twenty-One (21) and Twenty-Five (25) of County Subdivision of the West Half of the Southwest Quarter (W1/2SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the south fifty (50) feet of said Lot Twenty-Five (25); thence running westerly on the North line of the south fifty (50) feet of said Lot Twenty-Five (25) a distance of seventy-nine and five-tenths (79.50) feet; thence running southerly parallel to the east line of said Lot Twenty-Five (25); thence deflecting left and running on a curve having a radius of fifty (50) feet, the center, or radius point, of which is on the South line of said Lot Twenty-Five (25), and twenty-nine and five-tenths (29.50) feet West of the East line and fifty (50) feet South of the North line of said Lot Twenty-one (21); thence running easterly parallel to the North line of said Lot Twenty-one (21) a distance of twenty-nine and five-tenths (29.50) feet to the East line of said Lot Twenty-one (21); thence running northerly of the East line of said Lot Twenty-one (21) and on the East line of said Lot Twenty-Five (25) a distance of one hundred (100) feet to the Point of beginning.

SURVEYOR'S CERTIFICATE

I, Chad Dixon, Nebraska Professional Registered Land Surveyor No. 762, do hereby certify that on _____, I completed an accurate survey of "NuView Second SUBDIVISION", a replat of Lot 1 and Lot 2, NuView Subdivision and part Lot 21 and Lot 25 of County Subdivision of the West Half of the Southwest Quarter (W1/2SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, 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.

(S E A L)

Chad Dixon
Nebraska Professional Registered Land Surveyor No. 762

NOTES

This plat prepared December, 2020
for:

Eliseo Calderon
406 W 3rd Street
Grand Island, NE 68801

BY: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

Current Zoning:
R4 High Density Residential Zone



BASIS OF BEARINGS:

All bearings are based on Hall County Low Distortion
Projection from Nebraska State Surveyor's Office.
Projection = Transverse Mercator
Scale Factor = 1.0000868
Central Meridian = 98°26'00" West
Standard Parallel = 40°52'00" North

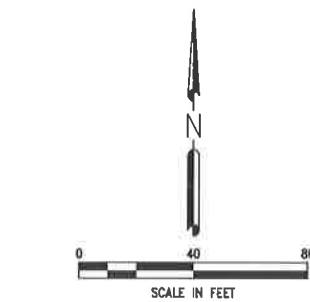
CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	90°00'12"	50.00'	78.54'	S 45°00'35" E	70.71'

MA
Miller & Associates
Consulting Engineers, P.C.
1111 CENTRAL AVENUE
KEARNEY, NE 68847-6833
Tel: 308-234-6456
Fax: 308-234-1146
www.miller-engineers.com

PARTY CHIEF: JARED TENDRA
DRAWN BY: SYLVIA MAXSON
JOB NUMBER: 149-P&B-002
REVISION-DATE & REASON

HALL CO-GRAND ISLAND-NUVIEW SECOND SUB.

FINAL PLAT
-NuVIEW SECOND SUBDIVISION-
A REPLAT OF LOT 1 AND LOT 2, NUVIEW SUBDIVISION AND PART LOT 21 AND LOT 25 OF COUNTY
SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2SW1/4) OF SECTION TEN
(10), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., IN THE CITY OF
GRAND ISLAND, HALL COUNTY, NEBRASKA



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406 W 3rd Street
Grand Island, NE 68801

BY: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

Current Zoning:
R4 High Density Residential Zone

LOCATION MAP



NOT TO SCALE

SHEET 1 OF 2

BASIS OF BEARINGS:

All bearings are based on Hall County Low Distortion Projection from Nebraska State Surveyor's Office.
Projection = Transverse Mercator
Scale Factor = 1.0000868
Central Meridian = 98°26'00" West
Standard Parallel = 40°52'00" North

CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	90°00'12"	50.00'	78.54'	S 45°00'35" E	70.71'

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DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that

Eliseo Calderon

being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "NuView SECOND SUBDIVISION", a replat of Lot 1 and Lot 2, NuView Subdivision and part Lot 21 and Lot 25 of County Subdivision of the West Half of the Southwest Quarter (W1/2SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) 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 streets as shown thereon to the public for their use forever, and the easements 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 the plat is made with the free consent and in accordance with the desires of the undersigned owner and proprietor.

IN WITNESS WHEREOF, We have affixed our signatures hereto, at Grand Island, Nebraska, this ____ day of _____, 20__.

(signature) _____
Eliseo Calderon

ACKNOWLEDGMENTS

STATE OF _____)

S.S.

COUNTY OF _____)

On the ____ day of _____, 20__, before me _____, a Notary Public within and for said County, personally appeared Eliseo Calderon, and to me personally known to be the identical person whose signature is affixed hereto, and that he did acknowledge the execution thereof to be his voluntary act and deed and the voluntary act and deed of said Company and that he was empowered to make the above dedication for and in behalf of said Company.

(S E A L)

My commission expires _____

Notary Public

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.

Chad Nabity (signature) _____ (date) _____

SURVEYOR'S CERTIFICATE

I, Chad Dixon, Nebraska Professional Registered Land Surveyor No. 762, do hereby certify that on _____, I completed an accurate survey of "NuView Second SUBDIVISION", a replat of Lot 1 and Lot 2, NuView Subdivision and part Lot 21 and Lot 25 of County Subdivision of the West Half of the Southwest Quarter (W1/2SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, 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.

(S E A L)

Chad Dixon
Nebraska Professional Registered Land Surveyor No. 762

SHEET 2 OF 2



PLATTED: 1/25/2021 2:21 PM
DRAWN BY: BRISON MAXSON
JOB NUMBER: 149-P08-002
1111 CENTRAL AVENUE
KEARNEY, NE 68847-6833
Tel: 308-234-6456
Fax: 308-234-1146
www.miller-engineers.com
REVISION-DATE & REVISION

HALL CO-GRAND ISLAND-NUVIEW SECOND SUB

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

NuVIEW SECOND SUBDIVISION

2 LOTS (Lot 1 and 2)

In the City of Grand Island, Hall County Nebraska

The undersigned Eliseo Calderon 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:

Lot One (1) and Two (2), NuView Subdivision, in the City of Grand Island, Hall County, Nebraska.

And

A tract of land in Lots Twenty-One (21) and Twenty-Five (25) of County Subdivision of the West Half of the Southwest Quarter (W1/2SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the south fifty (50) feet of said Lot Twenty-Five (25); thence running westerly on the North line of the south fifty (50) feet of said Lot Twenty-Five (25) a distance of seventy-nine and five-tenths (79.50) feet; thence running southerly parallel to the east line of said Lot Twenty-Five

(25); thence deflecting left and running on a curve having a radius of fifty (50) feet, the center, or radius point, of which is on the South line of said Lot Twenty-Five (25), and twenty-nine and five-tenths (29.50) feet West of the East line and fifty (50) feet South of the North line of said Lot Twenty-one (21); thence running easterly parallel to the North line of said Lot Twenty-One (21) a distance of twenty-nine and five-tenths (29.50) feet to the East line of said Lot Twenty-One (21); thence running northerly of the East line of said Lot Twenty-One (21) and on the East line of said Lot Twenty-Five (25) a distance of one hundred (100) feet to the Point of beginning.

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 NuVIEW SECOND 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 NuVIEW SECOND 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 St. Paul Road and Cherry 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 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
St. Paul Road		x	NO
Cherry Street			YES

Immediate sidewalk construction adjacent to Cherry Street 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. **Removal of Building on Lot 2.** The garage on Lot 2 has been permitted as an accessory structure to the existing apartment building. The garage and all utility connections associated with it shall be removed from said Lot 2 prior to or no later than 90 days from the date the subdivision plat is filed.

7. **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.

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 NuVIEW SECOND 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 _____, 2021.

ELISEO CALDERON
Subdivider

By: _____
Eliseo Calderon, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Eliseo Calderon, 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.

Notary Public

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

Attest: _____

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

WITNESS my hand and notarial seal the date above written.

Notary Public

- 6 -

RESOLUTION 2021-27

WHEREAS know all men by these presents, that Eliseo Calderon, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “NUVIEW 2nd SUBDIVISION”, A tract of land in lots Twenty-one (21) and Twenty-Five (25) of County Subdivision of the West Half of the Southwest Quarter (W½ SW¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in 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 NUVIEW 2ND 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, February 23, 2021.

Roger G. Steele, Mayor

Attest:

Jill Granere, Deputy City Clerk

Approved as to Form	☐ _____
March 10, 2021	☐ City Attorney