



City of Grand Island

Tuesday, April 13, 2021

Council Session

Item G-12

#2021-81 - Approving Final Plat and Subdivision Agreement for Ummel Third Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP, Regional Planning Director
Meeting: April 13, 2021
Subject: Ummel Third Subdivision – Final Plat
Presenter(s): Chad Nabity, AICP, Regional Planning Director

Background

This property is located east of Shady Bend Road and north of Bronco Road in Grand Island, Nebraska (2 lots, 6.546 acres). This property is zoned LLR Large Lot Residential Zone.

Discussion

The final plate for Ummel Third Subdivision were considered at the Regional Planning Commission at the March 3, 2021 meeting.

A motion was made by Rainforth and second by Ruge to approve final plat for Ummel Third Subdivision.

The motion was carried with eight members voting in favor (O'Neill, Ruge, Randone, Robb, 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
Tommy L. Ummel Sr.
567 Shady Bend Rd
Grand Island, NE 68801

To create

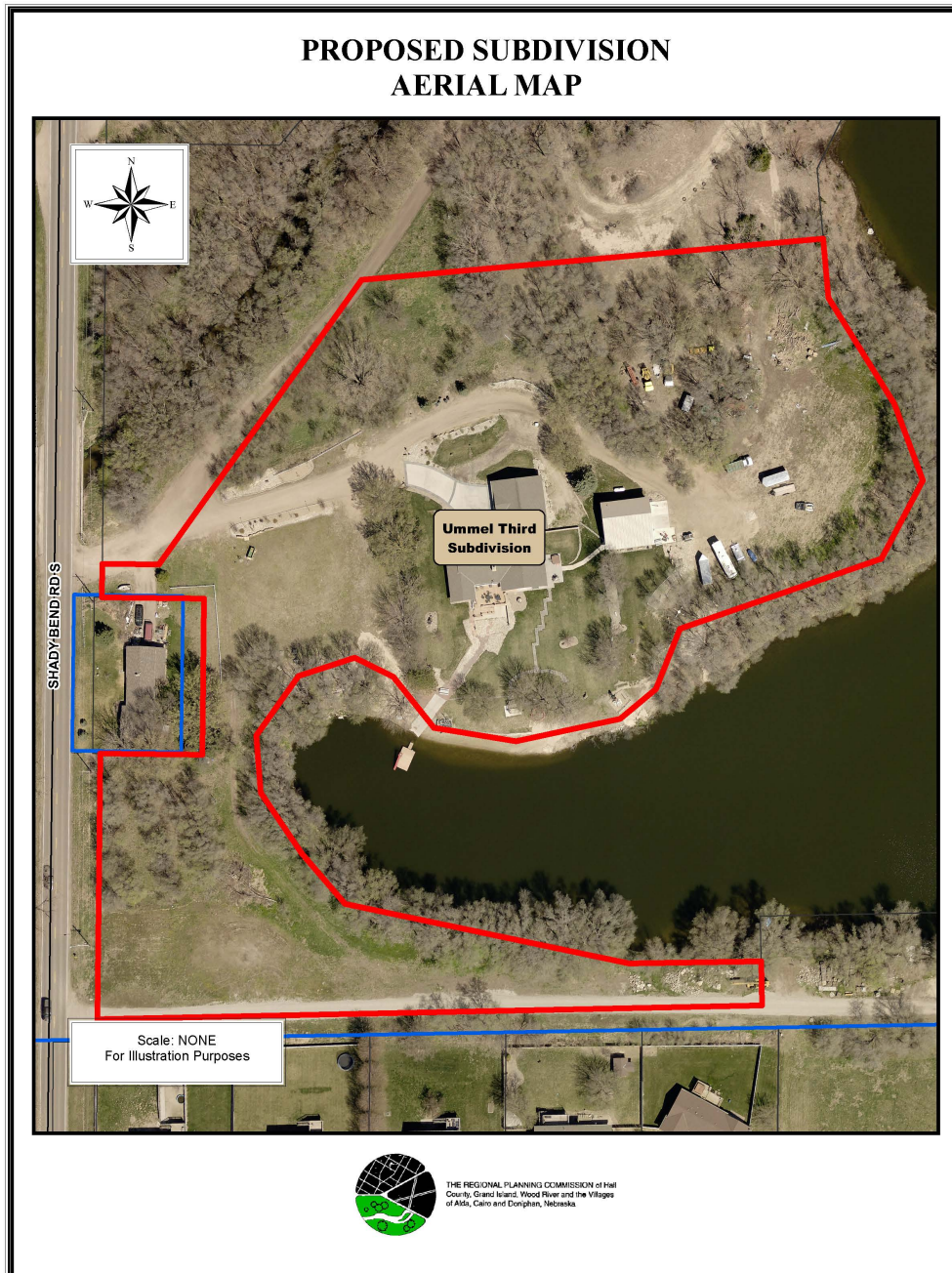
Size: Final Plat 2 lots, 6.546 Acres

Zoning: LLR Large Lot Residential Zone

Road Access: All lots front onto Shady Bend Road a 24' asphalt section line road/county highway.

Water: City Water is not available to the subdivision.

Sewer: City Sewer is not available to the subdivision.

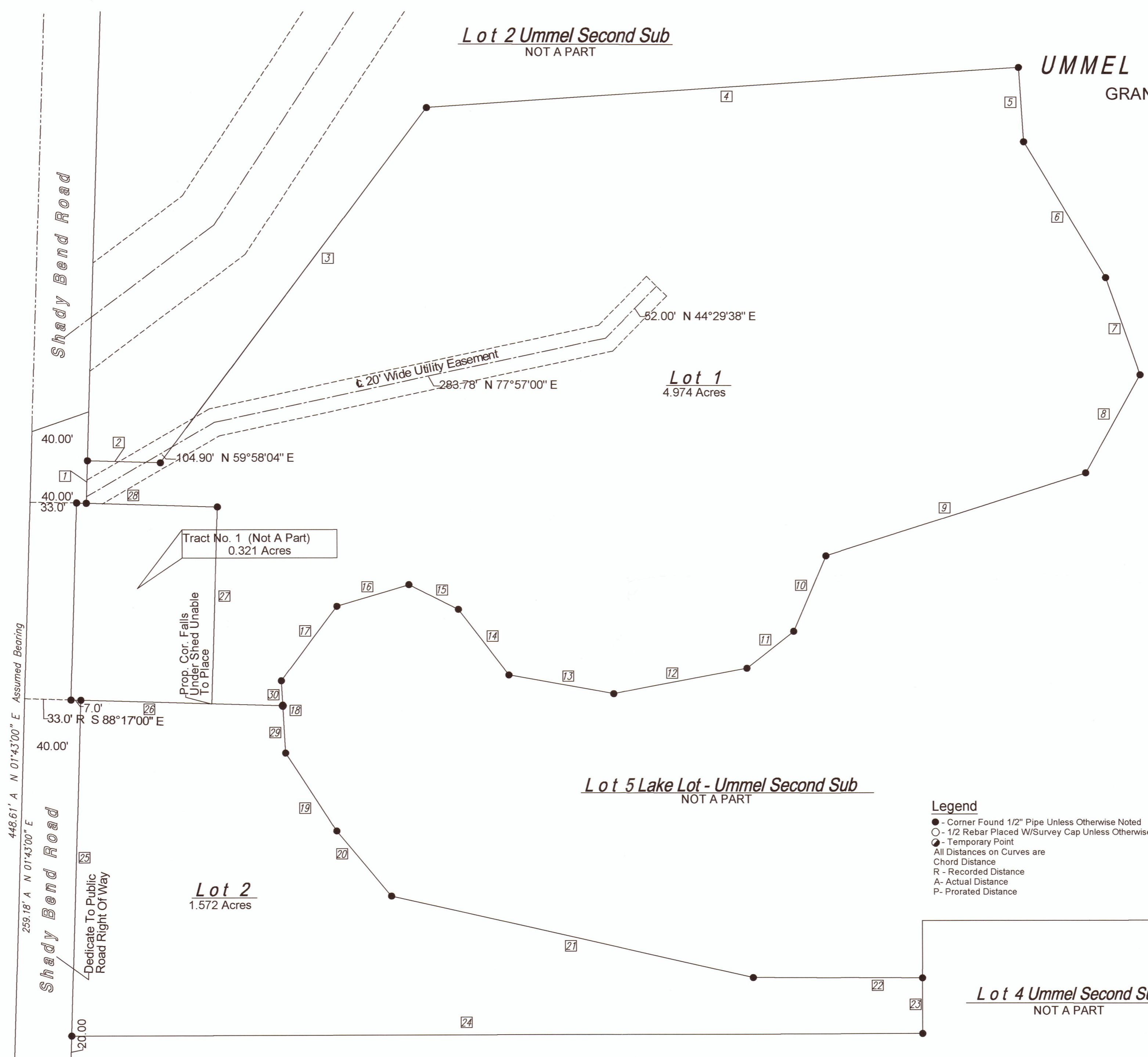


Lot 2 Ummel Second Sub
NOT A PART

UMMEL THIRD SUBDIVISION
GRAND ISLAND, NEBRASKA



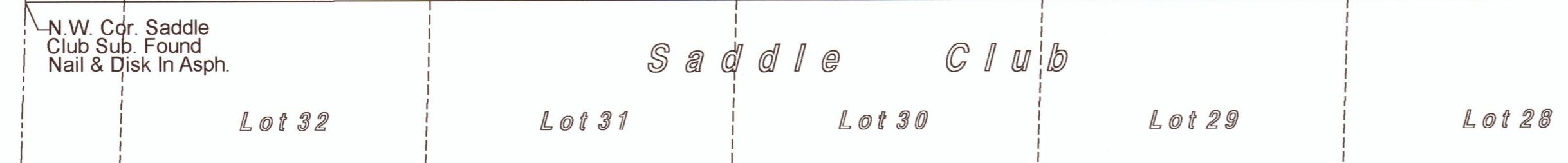
Scale 1" = 50'



LOT NO. 1 & 2		
Pt. No.	Bearing	Distance
1	N 01°43'00" E	30.00'
2	S 88°17'00" E	51.76'
3	N 36°55'27" E	314.57'
4	N 86°06'37" E	421.12'
5	S 03°53'23" E	52.93'
6	S 31°07'05" E	112.60'
7	S 19°22'47" E	73.31'
8	S 29°11'46" W	79.51'
9	S 72°15'33" W	193.51'
10	S 23°10'55" W	58.44'
11	S 51°45'41" W	42.20'
12	S 79°09'18" W	96.53'
13	N 79°40'58" W	75.62'
14	N 37°41'14" W	58.70'
15	N 62°58'12" W	39.17'
16	S 73°18'55" W	53.53'
17	S 36°47'16" W	65.66'
18	S 03°07'16" E	51.24'
19	S 33°10'07" E	66.21'
20	S 40°00'02" E	60.25'
21	S 77°13'08" E	263.30'
22	S 89°41'19" E	119.98'
23	S 00°02'11" E	39.34'
24	N 89°57'49" W	603.91'
25	N 01°43'00" E	237.96'
26	S 88°17'00" E	143.28'
27	N 01°43'00" E	140.00'
28	N 88°17'00" W	93.00'
28	S 03°07'16" E	33.41'
28	S 03°07'16" E	17.83'

Legend

- - Corner Found 1/2" Pipe Unless Otherwise Noted
- - 1/2 Rebar Placed W/Survey Cap Unless Otherwise Noted
- - Temporary Point
- All Distances on Curves are Chord Distance
- R - Recorded Distance
- A - Actual Distance
- P - Prorated Distance



INITIAL POINT SURVEYING LLC
1811 W 2nd Street, Suite 290
Grand Island, NE 68803
308-383-6754 Cell
308-675-4141 Office

LOCATION: Grand Island, Hall County, Nebraska			
TITLE: Ummel Third Subdivision			
SCALE AT AD: 1" = 50'	DATE: 2/09/2021	DRAWN BY: Brent C.	PAGE: 1 OF 2
BENCHMARK PROJECT NO:	DRAWING NO: 21-002	REVISION:	

UMMEL THIRD SUBDIVISION

GRAND ISLAND, NEBRASKA

Legal Description

Replat of Lot 3 Ummel Second Subdivision, Hall County, Grand Island, Nebraska

Dedication

KNOW ALL MEN BY THESE PRESENTS, that TOMMY L. UMMEL, SR., a single person, being the owners of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as 'UMMEL THIRD SUBDIVISION', an Addition to the City of Grand Island, 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 owners and proprietors.

IN WITNESS WHEREOF, we have affixed our signatures hereto, at Grand Island, Nebraska, this ___ day of _____, 2021.

Tommy L. Ummel, Sr.

Date

Acknowledgement

State Of Nebraska **SS**
County Of Hall

On the ___ day of _____, 2013, before me, _____ a Notary Public within and for said County, personally appeared TOMMY L. UMMEL SR., a single person, and to me personally known to be the identical persons whose signatures are affixed hereto, and that each did acknowledge the execution thereof to be his or her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.

My commission expires _____.

Notary Public

Surveyor's Certificate

I hereby certify that on February 2, 2021, I completed an accurate survey of 'UMMEL THIRD SUBDIVISION', an Addition to the City of Grand Island, 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, Reg. Land Surveyor No. 727

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.

Chairman

Date

Approved and accepted by the City of Grand Island, Nebraska, this day of _____, 2021.

Mayor

City Clerk

INITIAL POINT SURVEYING LLC 1811 W 2nd Street, Suite 280 Grand Island, NE 68803 308-383-6754 Cell 308-675-4141 Office			
LOCATION: Grand Island, Hall County, Nebraska			
TITLE: Ummel Third Subdivision			
SCALE: AS SHOWN	DATE:	DRAWN BY:	PAGE:
1" = 50'	2/09/2021	Brent C.	2 OF 2
BENESCH PROJECT NO:	DRAWING NO:	REVISION:	
	21-002		

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

UMMEL THIRD SUBDIVISION

Lots 1 and 2

In the City of Grand Island, Hall County Nebraska

The undersigned, TOMMY L. 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:

Replat of all of Lot 3 Ummel Second Second Subdivision, Hall County, Grand Island 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 UMMEL THIRD 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 UMMEL THIRD 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 Shady Bend Road where it abuts the subdivision.

2. **Water.** Public water supply is not available to the subdivision. Therefore, individual water well systems shall be permissible on an initial basis. The Subdivider waives the right to protest the creation of any future water district within or abutting the subdivision.

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 Shady Bend 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. **Flood Plain.** Since portions of the subdivision are within a delineated flood plain, all structures within areas identified as a special flood hazard area constructed shall have the lowest floor elevation to a minimum of one foot above the elevation of the 100-year flood as determined by the building permit received by the Subdivider or successors from the Building Department under the provisions of applicable Federal, State, or local laws and regulations. No basement shall be constructed in connection with any structure in the flood plain unless such basement is floodproofed and certified as such by a qualified engineer or architect.

8. **Fire Codes.** This property is located within the municipal limits of the City of Grand Island and does not currently have access to municipal water. Until such time as adequate municipal fire service water supply is available to the property, all new structures are

subject to fire department approval of an acceptable alternative means of suppression.

9. **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.

10. **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 UMMEL THIRD 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.

11. **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.

TOMMY L UMMEL SR., Subdivider

By: _____

Tommy L. Ummel Sr.

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 Tommy L. Ummel 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 _____, 2021, 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 2021-____, 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 2021-81

WHEREAS know all men by these presents, that Tommy L. Ummel, SR., a single person, being owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "UMMEL THIRD SUBDIVISION", A replat of Lot 3 Ummel Second Subdivision to the City of Grand Island, 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 UMMEL THIRD 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, April 13, 2021.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
April 9, 2021	☒ City Attorney