



# City of Grand Island

Tuesday, April 27, 2021

Council Session

## Item G-6

**#2021-92 - Approving Final Plat and Subdivision Agreement for H and S Wiese Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** April 27, 2021  
**Subject:** H and S Wiese Subdivision – Final Plat  
**Presenter(s):** Chad Naby, AICP, Regional Planning Director

## Background

This property is located south of 14<sup>th</sup> Street and east of Cherry Street in Grand Island, Nebraska (4 lots, 0.6915 acres). This property is zoned R-2 Low Density Residential Zone and creating 4 lots from 3 existing lots.

## Discussion

The final plat for H and S Wiese Subdivision was considered at the Regional Planning Commission at the April 7, 2021 meeting.

A motion was made by Ruge and second by Robb to approve final plat for H and S Wiese Subdivision.

A roll call vote was taken and the motion passed with eleven members voting in favor (O’Neill, Ruge, Allan, Nelson, Doane, Olson, Monter, Hendricksen, Randone, Robb and Rubio) and no members present voting no or abstaining.

## 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**

Grand Island Area Habitat for Humanity  
502 W 2<sup>nd</sup> Street  
Grand Island, NE 68801

To create

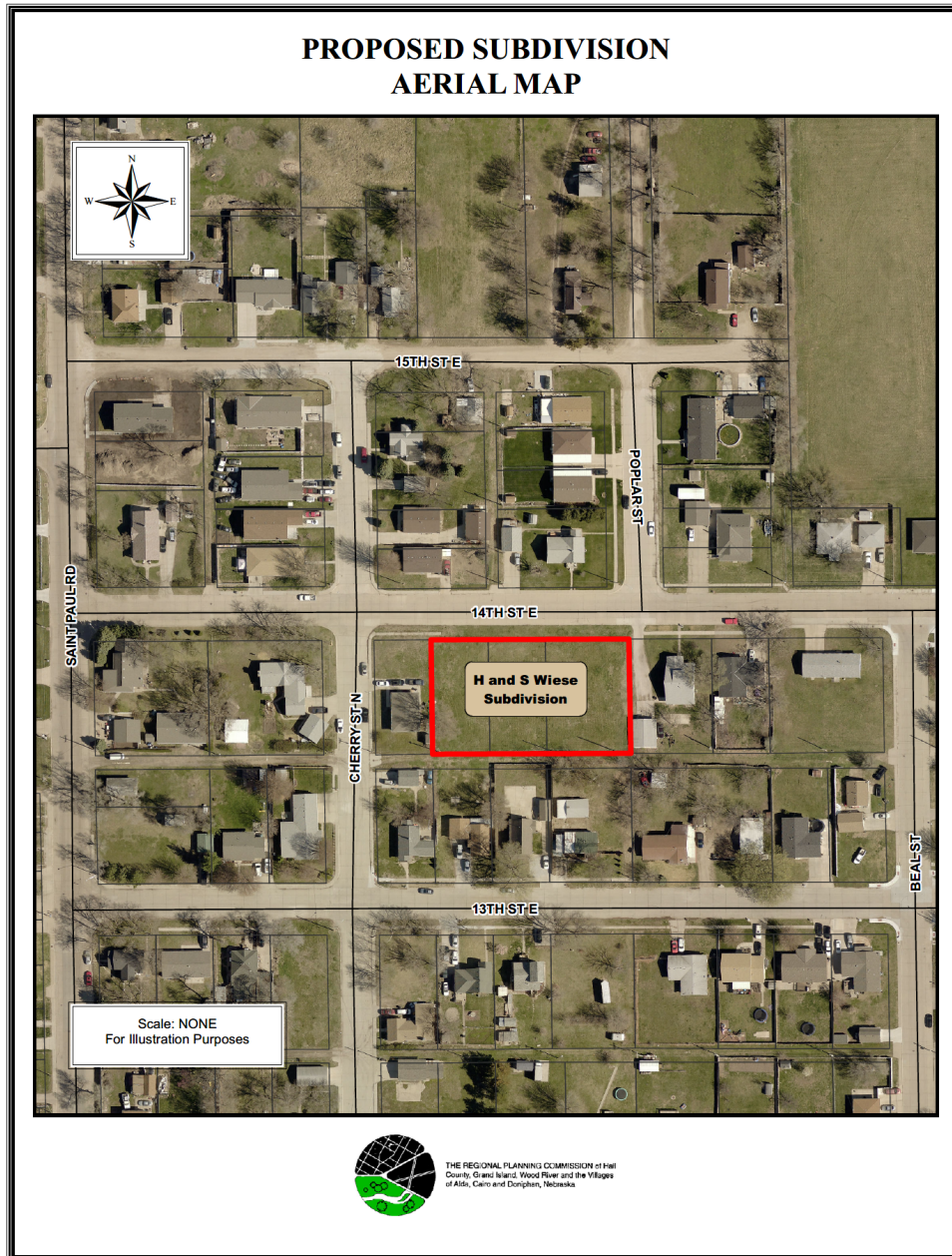
**Size:** Final Plat 4 lots, 0.6915 Acres

**Zoning:** R-2 Low Density Residential

**Road Access:** 14<sup>th</sup> Street is a 37' concrete curb and gutter street

**Water:** City Water is available to the subdivision and will be extended to serve all lots.

**Sewer:** City Sewer is available to the subdivision and will be extended to serve all lots.



R. = RECORDED DISTANCE  
 A. = ACTUAL DISTANCE AND/OR BEARING  
 NOTE: ACTUAL BEARINGS ARE BASED ON  
 GPS POSITIONING

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that GRAND ISLAND AREA HABITAT OF HUMANITY, INC., a Nebraska Corporation, being the owner of the land described hereon, have caused same to be subdivided, platted and designated as "H AND S WIESE SUBDIVISION", in the City of Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the 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 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 \_\_\_\_\_, Nebraska, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

GRAND ISLAND AREA HABITAT FOR HUMANITY, INC.  
 a Nebraska Corporation

\_\_\_\_\_  
 Loria Lei Thunker, President

**ACKNOWLEDGMENT**

State of Nebraska  
 County of \_\_\_\_\_ ss

On the \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me,

personally appeared Loria Lei Thunker, President of the Grand Island Area Habitat For Humanity, a Nebraska Corporation, to me personally known to be the identical person whose signature is affixed hereto, and she did acknowledge the execution to be her voluntary act and deed as President, and the voluntary act and deed of said Nebraska Corporation, and that she was empowered to make the above dedication for and in behalf of said Nebraska Corporation.

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 \_\_\_\_\_

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

(SEAL)

**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.

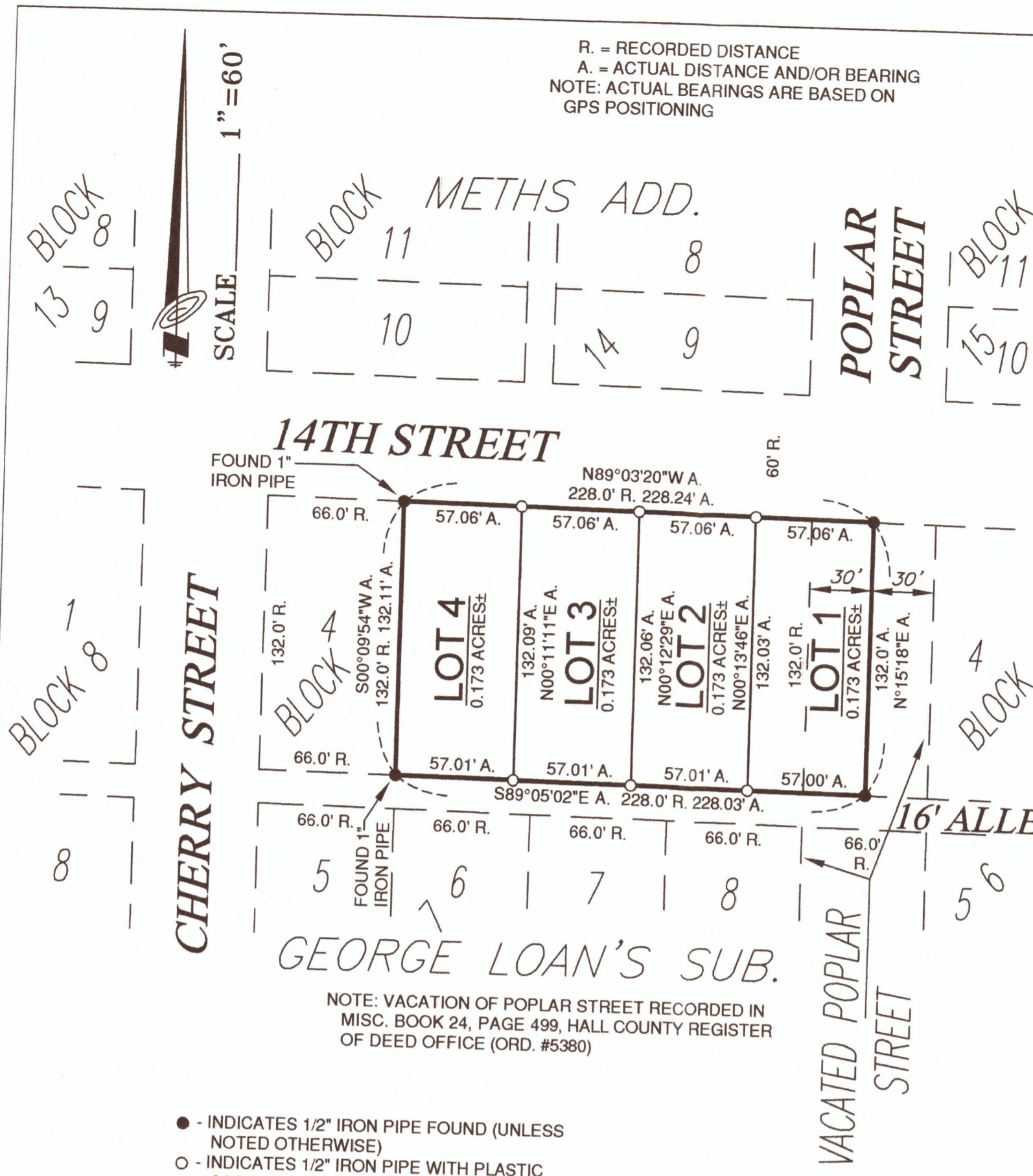
Chairman \_\_\_\_\_

Date \_\_\_\_\_

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

Mayor \_\_\_\_\_

City Clerk \_\_\_\_\_



**LEGAL DESCRIPTION**

(Per Co-Trustee's Warranty Deed, Instrument No. 0202010255, Hall County Register of Deeds Office)

A tract of land comprising all of Lots One (1), Two (2) and Three (3), Block Seven (7), George Loan's Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, and that part of Vacated Poplar Street as shown in Book 24, Page 499, said tract containing 0.692 acres, more or less.

**SURVEYOR'S CERTIFICATE**

I hereby certify that on \_\_\_\_\_, 2021, I completed an accurate survey (made under my supervision) of "H AND S WIESE SUBDIVISION", 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 corners 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.

\_\_\_\_\_  
 Lee D. Wagner, Registered Land Surveyor No. 557

**H AND S WIESE SUBDIVISION**  
 IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA  
 BENJAMIN & ASSOCIATES, INC. - ENGINEERS & SURVEYORS - GRAND ISLAND, NEBRASKA

\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**H and S WIESE SUBDIVISION**  
LOTS 1-4 INCLUSIVE

In the City of Grand Island, Hall County Nebraska

The undersigned GRAND ISLAND AREA HABITAT FOR HUMANITY, 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 comprising all of Lots One (1), Two (2) and Three (3), Block Seven (7), George Loan's Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, and that part of Vacated Poplar Street as shown in Book 24, Page 499, said tract containing 0.692 acres;

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 H and S WIESE 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 H and S WIESE 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 14<sup>th</sup> Street where it abuts 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 is available to the subdivision, and all new structures requiring service shall be connected to such sanitary sewer supply.
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
14 <sup>th</sup> Street		YES	NO

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 H and S WIESE 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 \_\_\_\_\_, 2021.

GRAND ISLAND AREA HABITAT FOR HUMANITY, Subdivider

By: \_\_\_\_\_  
Dana Jelinek, Executive Director

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 Dana Jelinek, Executive Director of Grand Island Area Habitat for Humanity, 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 on behalf of Grand Island Area Habitat for Humanity.

WITNESS my hand and notarial seal the date above written.

\_\_\_\_\_



RESOLUTION 2021-92

WHEREAS know all men by these presents, that The Grand Island Area Habitat for Humanity, a Nebraska Corporation, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "H AND S WIESE SUBDIVISION", A Replat of Lots 1, 2, and 3 of Block 7 of George Loan's Subdivision in the City of Grand Island, 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 H AND S WIESE 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, April 27, 2021.

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

Attest:

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

Approved as to Form	☒ _____
April 23, 2021	☒ City Attorney