



City of Grand Island

Tuesday, August 10, 2021

Council Session

Item G-14

#2021-194 - Approving Resolution to Amend Subdivision Agreement for Nikodym Subdivision Relative to Placement of Sidewalks on Cherry Street

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: August 10, 2021

Subject: Nikodym Subdivision – Subdivision Agreement Amendment

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

Background

Nikodym Subdivision located on Cherry and Bismark encompasses all of the old Superbowl property. At the time of approval Mr. Nikodym, the potential purchaser of the property, agreed to build conventional sidewalk in front of the house that he was planning to build on Cherry Street north of the Superbowl building. There are mature trees on the property that prevent conventional sidewalk so he would like to amend the agreement to allow curb sidewalk.

Discussion

Installation of sidewalk is necessary to finalize his building permit and meet the requirements of the agreement. Mr. Nikodym could have committed to curb sidewalk at the time of the subdivision and this amendment would not have been necessary. As he thought that conventional sidewalk would work at this location he selected sidewalk that would be separated from the curb.

There are no city code restrictions that would prohibit the city from allowing curb sidewalk at this location.

The change to the subdivision agreement will facilitate the final completion of the new house and allow Mr. Nikodym to complete his project and preserve the trees between his house and the street.

Paragraph 5 of the agreement filed on March 16, 2020 will be amended as follows:

5. **Sidewalks.** The Subdivider shall install and maintain all public sidewalks required by the City of Grand Island when the Lots 2 and 3 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
Cherry Street	<u>X</u>	<u>X</u>	NO
Bismark Road		X	NO

Immediate sidewalk construction adjacent to Lot 1 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

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 subdivision agreement as presented, authorize the Mayor to sign the agreement and the City Clerk to file said agreement against the property with the Register of Deeds.

Sample Motion

Move to approve as recommended.

PROPOSED SUBDIVISION LOCATION MAP



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Ames, Camo and Conington, Nebraska

PROPOSED SUBDIVISION AERIAL MAP



THE REGIONAL PLANNING COMMISSION of that
County, Grand Island, Wood River and the Villages
of Aldo, Cairo and Doniphan, Nebraska

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT AMENDMENT

NIKODYM SUBDIVISION

Lots 1 and 2 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned JOHN J. NIKODYM AND JANICE S NICKODYM, HUSBAND AND WIFE, ALONG WITH JNIK, LLC A NEBRASKA LIMITED LIABILITY CORPORATION hereinafter called the Subdivider, as owner of tracts of land in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

LOTS 1 AND 2 OF NIKODYM SUBDIVISION

desires to has subdivided 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 amendment to the subdivision agreement for NIKODYM SUBDIVISION, specifically to paragraph 5 Sidewalks. The Subdivider hereby consents and agrees with the City

of Grand Island, Nebraska, that it agrees with the provisions of the original agreement and the amendments to paragraph 5 Sidewalks of as detail below and will install or provide at its expense the required improvements:

5. **Sidewalks.** The Subdivider shall install and maintain all public sidewalks required by the City of Grand Island when the Lots 2 and 3 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
Cherry Street	X		NO
Bismark Road		X	NO

Immediate sidewalk construction adjacent to Lot 1 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

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 NIKODYM 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.

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.

JOHN J. NIKODYM, Subdivider

JANICE S. NIKODYM, Subdivider

By: _____

By: _____

John J. Nikodym

Janice S. Nikodym

JNIK LLC A NEBRASKA
LIMITED LIABILITY COMPANY,
Subdivider

By: _____

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 John J. Nikodym, known personally to me to be the identical persons 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 _____, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Janice S. Nikodym, known personally to me to be the identical persons 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 _____, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known personally to me to be the identical persons 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 JNIK LLC A NEBRASKA LIMITED LIABILITY COMPANY.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

By: _____
Roger G. Steele, Mayor

RaNae Edwards, City Clerk

RESOLUTION 2021-194

WHEREAS, know all men by these presents, that JOHN J. NIKODYM AND JANICE S NICKODYM, husband and wife, JNIK, LLC, A Nebraska Limited Liability Company, being the owners of the land described Lots 1 and 2 of NIKODYM SUBDIVISION, in the City of Grand Island, Hall County, Nebraska and wish to amend paragraph 5 Sidewalks of the Subdivision Agreement

WHEREAS, a copy of the plat of such subdivision has been approved and filed with the Hall County Register of Deeds along with the original subdivision agreement; and

WHEREAS, an amendment to such f 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 amendment to 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 and that the City Clerk is authorized to file said agreement with the Hall County Register of Deed

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 10, 2021.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
February 3, 2021	▣ City Attorney