



# City of Grand Island

Tuesday, October 26, 2021

Council Session

## Item G-10

**#2021-291 - Approving Final Plat and Subdivision Agreement for  
Sunset Acres Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** October 26, 2021

**Subject:** Sunset Acres Subdivision – Final Plat

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

## **Background**

This property is located south of south of Stolley Park Road and west of Stuhr Road in the Hall County, Nebraska. (1 lot, 4.552 acres). This property is zoned LLR – Large Lot Residential Zone.

## **Discussion**

The final plate for Sunset Acres Subdivision was considered at the Regional Planning Commission at the October 6, 2021 meeting.

A motion was made by Monter and second by Ruge to approve final plat for Sunset Acres Subdivision.

A roll call vote was taken and the motion passed

The motion was carried with eight members voting in favor (O'Neill, Ruge, Olson, Monter, Rainforth, Rubio, Robb and Randone) 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**

Robert and Cindy Loewenstein  
1103 E Sunset  
Grand Island, NE 68801

To create

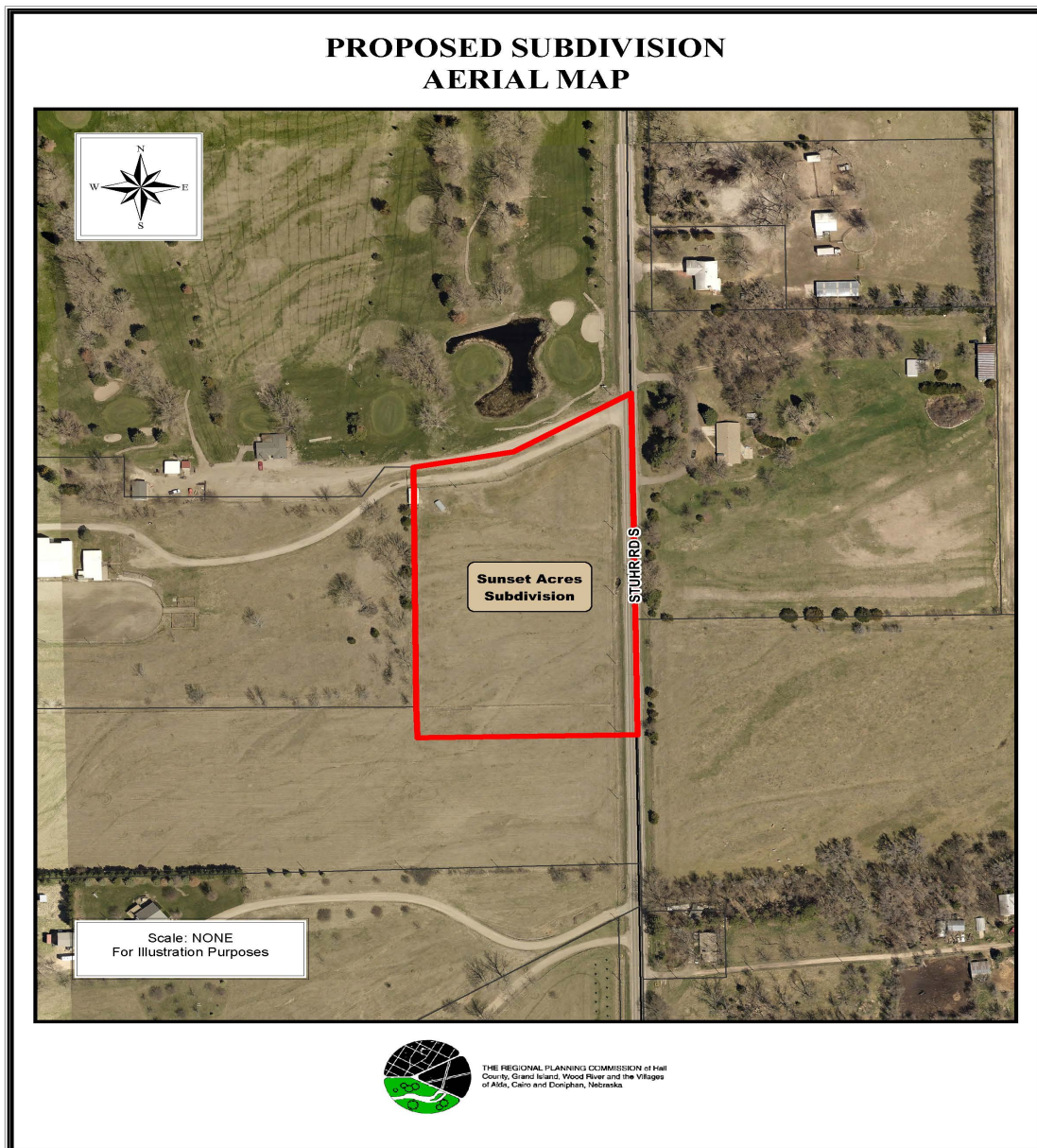
**Size: Final Plat** 1 lot, 5.146 Acres

**Zoning:** LLR - Large Lot Residential

**Road Access:** Stuhr Road is a county road.

**Water:** City Water is not available to the subdivision.

**Sewer:** City Sewer is not available to the subdivision.





SUNSET ACRES SUBDIVISION  
HALL COUNTY, NEBRASKA  
FINAL PLAT

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF S00°13'40"W, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 843.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°13'40"W, ALONG SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 657.86 FEET; THENCE S89°52'18"W A DISTANCE OF 399.39 FEET; THENCE N00°09'38"E A DISTANCE OF 506.38 FEET; THENCE N83°53'18"E A DISTANCE OF 156.94 FEET; THENCE N60°58'46"E A DISTANCE OF 279.64 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 224,142 SQUARE FEET OR 5.146 ACRES MORE OR LESS OF WHICH 0.594 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON \_\_\_\_\_, 2021, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND CONSISTING OF PART OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JAI JASON ANDRIST, REGISTERED LAND SURVEYOR NUMBER, LS-630

DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT ROBERT LOEWENSTEIN AND CINDY LOWENSTEIN, HUSBAND AND WIFE, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS " *SUNSET ACRES SUBDIVISION*" IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND DO HEREBY DEDICATE THE ROAD RIGHT OF WAY, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER: 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, I HAVE AFFIXED MY SIGNATURE HERETO, AT \_\_\_\_\_, NEBRASKA,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ROBERT LOEWENSTEIN

CINDY LOEWENSTEIN

ACKNOWLEDGMENT

STATE OF NEBRASKA                      SS  
COUNTY OF HALL

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED ROBERT LOEWENSTEIN AND CINDY LOEWENSTEIN, HUSBAND AND WIFE, TO BE PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED HERETO AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED. 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

APPROVAL

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

CHAIRPERSON                      DATE

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

MAYOR

CITY CLERK

APPROVED AND ACCEPTED BY THE HALL COUNTY BOARD OF COMMISSIONERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CHAIRPERSON

COUNTY CLERK

SECTION TIES

EAST 1/4 CORNER, SEC. 27-T11N-R9W  
FOUND SURVEY SPIKE WITH WASHER IN ASPHALT COUNTY ROAD AT GRAND ON CENTERLINE.

W    32.67' TO NEAR FACE OF WITNESS CORNER  
W    32.38' TO MAG NAIL IN POWER POLE  
SE    35.40' TO 5/8" REBAR  
NE    27.97' TO 5/8" REBAR

NORTHEAST CORNER, SEC. 27-T11N-R9W  
FOUND SURVEY SPIKE WITH WASHER AT GRADE IN ASPHALT COUNTY ROAD

SE    53.98' TO REDHEAD NAIL IN CORNER FENCE POST  
NE    47.30' TO REDHEAD NAIL IN TOP OF CORNER FENCE POST  
WSW 41.39' TO MAG NAIL IN TOP OF FENCE POST  
SW    61.89' TO MAG NAIL w/WASHER IN FENCE POST

olsson

201 East 2nd Street  
Grand Island, NE 68801  
TEL 308.384.8750  
FAX 308.384.8752

PROJECT NO. 2021-05741

LOEWENSTEIN SURVEY

FB

LEGEND

- SECTION CORNER
- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- ROW LINE
- NEW ROW LINE
- SECTION LINE
- PROPERTY LINE
- MEASURED DISTANCE
- RECORDED DISTANCE - CHARLES B. BEER, L.S. #192, 01/06/1983

LOCATION MAP

SEC. 27, T11N, R9W  
NOT TO SCALE

STOLLEY PARK ROAD

SE COR.

EXISTING 40.00' INGRESS / EGRESS EASEMENT  
(DOCUMENT NO. 81-001544 FILED 3/30/1981)

SITE LOCATION

E1/4 COR.

27

US. HWY 34

STUHR ROAD

N83°53'18"E 156.94'(M) 156.66'(R)

1/2" IRON PIPE

40' RIGHT OF WAY  
(TO BE DEDICATED WITH THIS PLAT)

LOT 1  
198,271 S.F.  
4.552 AC.

EXISTING 33' ROAD  
RIGHT OF WAY

E1/4 COR.  
SEC. 27-T11N-R9W

0' 25' 50' 100'  
SCALE IN FEET

USER: lwheeler

DWG: F:\2021\05501-06000\021-05741\40-Design\Survey\SRV\Sheets\PLAT\_LDP\_02105741.dwg

DATE: Sep 16, 2021 2:50pm XREFS: V\_XBNDY\_LDP\_02105741



\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**SUNSET ACRES SUBDIVISION**  
LOT 1 INCLUSIVE

In the City of Grand Island, Hall County Nebraska

The undersigned, ROBERT LOEWENSTEIN AND CINDY LOEWENSTEIN, 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 CONSISTING OF PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6<sup>TH</sup> P.M., HALL COUNTY, 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 SUNSET 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 said SUNSET 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 waive the right to object to the creation of any paving or repaving district for Stuhr 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 Stuhr 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.     **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 SUNSET 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.

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.

ROBERT LOEWENSTEIN and CINDY  
LOEWENSTEIN, Subdivider

By: \_\_\_\_\_  
Robert Loewenstein

By: \_\_\_\_\_  
Cindy Loewenstein

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 Robert Loewenstein, 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 \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Cindy Loewenstein, 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 2021-291

WHEREAS know all men by these presents, that Robert Loewenstein and Cindy Loewenstein, husband and wife, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "SUNSET ACRES SUBDIVISION", a tract of land consisting of the Northeast Quarter (NE1/4) of section twenty-seven (27), Township Eleven (11) North, Range Nine (9) West of the 6<sup>TH</sup> 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 SUNSET 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, October 26, 2021.

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

Attest:

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

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| October 22, 2021    | ☐ City Attorney |