

City of Grand Island

Tuesday, October 26, 2021 Council Session

Item G-9

#2021-290 - Approving Final Plat and Subdivision Agreement for Copper Creek Estates 18th Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: October 26, 2021

Subject: Copper Creek Estates 18th Subdivision – Final Plat

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

Background

This property is located south of Thomas Street and west of Kenneth Drive in the City of Grand Island, Nebraska. (73 lots, 4.086 acres). This property is zoned R-3SL Medium Density-Small Lot Residential Zone.

Discussion

The final plate for Copper Creek Estates 18th 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 Copper Creek Estates 18th 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

Guarantee Group LLC PO BOX 5916 Grand Island, NE 68802

To create

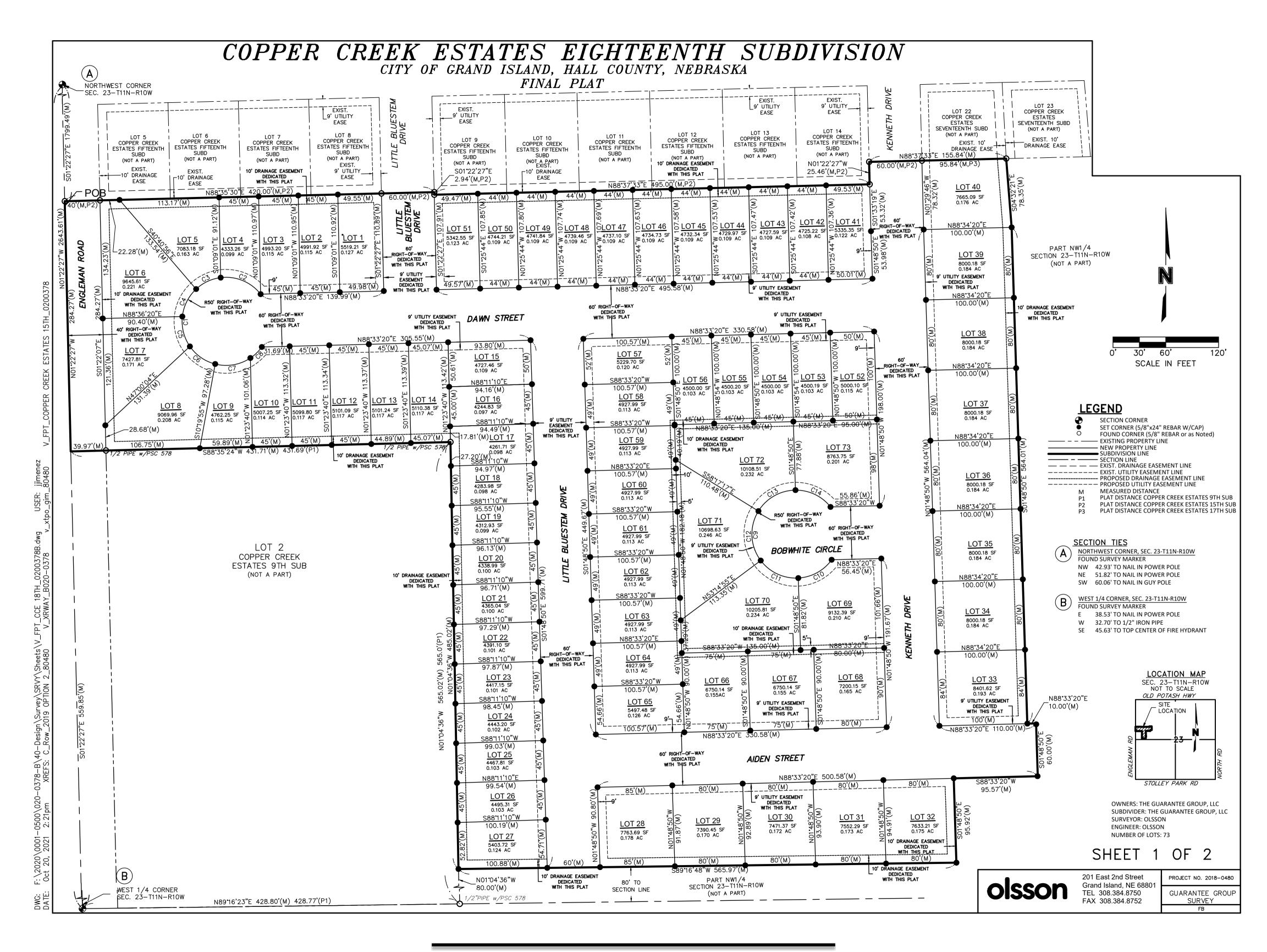
Size: Final Plat 74 lot, 4.086 Acres

Zoning: R-3SL Medium Density-Small Lot Residential

Road Access: All new streets will be 37' concrete curb and gutter.

Water: City Water is available to the subdivision. Sewer: City Sewer is available to the subdivision.





COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA FINAL PLAT

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF COPPER CREEK ESTATES FIFTEENTH SUBDIVISION, SAID POINT BEING ON THE WEST LINE OF THE NW 1/4 OF SECTION 23-T11N-R10W AND ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N88°35'30"E, ALONG THE SOUTH LINE OF SAID COPPER CREEK ESTATES FIFTEENTH SUBDIVISION, A DISTANCE OF 420.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LITTLE BLUESTEM DRIVE AND ALSO BEING ON THE WEST LINE OF LOT 9, COPPER CREEK ESTATES FIFTEENTH SUBDIVISION; THENCE S01°22'27"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 2.94 FEET; THENCE N88°37'33"E, ALONG THE SOUTH LINE OF SAID COPPER CREEK ESTATES FIFTEENTH SUBDIVISION, A DISTANCE OF 495.00 FEET TO A POINT ON THE SOUTHEAST CORNER OF LOT 14, COPPER CREEK ESTATES FIFTEENTH SUBDIVISION; THENCE N01°22'27"W, ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 25.46 FEET TO A POINT ON SAID EAST LINE OF LOT 14; THENCE N88°37'33"E A DISTANCE OF 155.84 FEET TO THE SOUTHEAST CORNER OF LOT 22, COPPER CREEK ESTATES SEVENTEENTH SUBDIVISION; THENCE S04°32'21"E A DISTANCE OF 78.35 FEET; THENCE S01°48'50"E A DISTANCE OF 564.00 FEET; THENCE N88°33'20"E A DISTANCE OF 10.00 FEET; THENCE S01°48'50"E A DISTANCE OF 60.00 FEET; THENCE N88°33'20"W A DISTANCE OF 95.57 FEET; THENCE S01°48'50"E A DISTANCE OF 95.92 FEET; THENCE S89°16'48"W A DISTANCE OF 565.97 FEET TO A POINT ON THE EAST LINE OF LOT 2, COPPER CREEK ESTATES NINTH SUBDIVISION; THENCE N01°04'36"W, ALONG SAID EAST LINE OF LOT 2, A DISTANCE OF 485.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S88°35'24"W, ALONG THE NORTH LINE OF SAID COPPER CREEK ESTATES NINTH SUBDIVISION, A DISTANCE OF 431.71 FEET TO A POINT ON SAID WEST LINE OF THE NW1/4; THENCE N01°22'27"W, ALONG SAID WEST LINE OF THE NW1/4, A DISTANCE OF 284.27 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 617026.11 SQUARE FEET OR 14.165 ACRES MORE OR LESS OF WHICH 4.192 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

SURVE'	YOR'S	CERTI	FICATE

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 NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, 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

APPROVAL

GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA.

DATE

CHAIRPERSON

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS _____ DAY OF ______, 2021.

MAYOR

CITY CLERK

OWNERS: THE GUARANTEE GROUP, LLC SUBDIVIDER: THE GUARANTEE GROUP, LLC SURVEYOR: OLSSON **ENGINEER: OLSSON** NUMBER OF LOTS: 73

<u>DEDICATION OF PLAT</u>

KNOW ALL MEN BY THESE PRESENTS, THAT THE GUARANTEE GROUP, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION" IN PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) 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 ROAD RIGHT OF WAY, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER: AND HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE FOR PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS HERETO, 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.

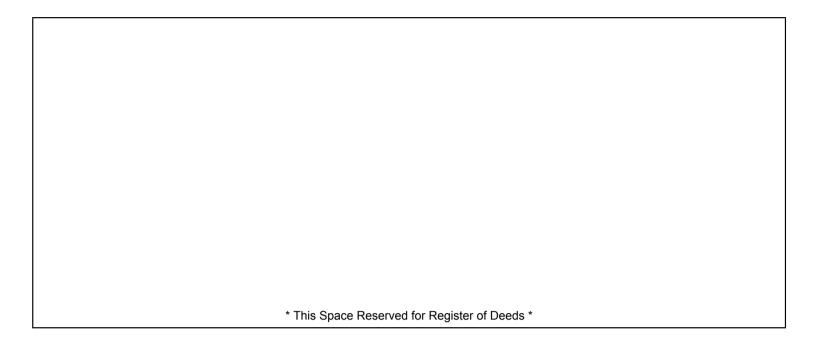
N WITNE	ESS WHEREOF, I HAVE	AFFIXED MY SIGNATURE HERETO, AT	, NEBRA	ASKA
HIS	_ DAY OF	, 2021.		
EAND	O'CONNOR, A MEMBE			
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HE GUA	KANTEE GROUP, LLC,	A NEBRASKA LIMITED LIABILITY COMP	ANY	
<u> ACKNO</u>	<u>WLEDGMENT</u>			
STATE OF I COUNTY OF				
COUNTY OF	HALL			
N THIS	DAY OF	, 2021, BEFORE ME , A NOTARY P	UBLIC WITHIN AND FOR SA	AID COUNTY,
ERSONA	ALLY APPEARED SEAN I	P. O'CONNOR, A MEMBER, THE GUARA	ANTEE GROUP, LLC, A NEBF	RASKA LIMITED LIABILITY
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SHEET 2 OF 2



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

PROJECT NO. 2018-0480 GUARANTEE GROUF SURVEY



SUBDIVISION AGREEMENT

COPPER CREEK EIGHTEENTH SUBDIVISION

LOTS 1-73 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned THE GUARANTEE GROUP LLC., 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 NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, 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 COPPER CREEK EIGHTEENTH 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 COPPER CREEK EIGHTEENTH 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 pave Little Bluestem Drive, Dawn Street, Aiden Street, Kenneth Drive, and Bobwhite Circle in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection. If the Subdivider fails to pave Little Bluestem Drive, Dawn Street, Aiden Street, Kenneth Drive, and Bobwhite Circle, the City may create a paving district to perform such work. The Subdivider agrees to waive the right to object to the creation of any paving district for where they abut the subdivision.

The Subdivider agrees to waive the right to object to the creation of any paving or repaving district for Engleman Road where it abuts the subdivision. No drive way access from Engleman Road shall be permitted from Lots 6, 7 and 8.

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 grade all lots in the subdivision in conjunction with the development proposed thereon 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 Requirement
		Sidewalk	Waived by Council
Little Bluestem Drive			NO
Dawn Street			NO
Aiden Street			NO
Kenneth Drive			NO
Bobwhite Circle			NO
Engelman Road			YES

Immediate sidewalk construction adjacent to Engleman 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. **Setbacks.** The front yard setback on lots 70 and 74 at the corner of Kenneth Drive and Bobwhite Circle shall be determined as indicated below:

Street Name	Front Yard Setback	Street Sideyard Setback
Kenneth Drive	Y or N	Y or N
Bobwhite Circle	Y or N	Y or N

- 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 COPPER CREEK EIGHTEENTH 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. THE GUARANTEE GROUP, L.L.C., Subdivider Sean O. O'Connor, A Member STATE OF NEBRASKA COUNTY OF HALL On ______, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Sean P. O'Connor Member of Guarantee Group, L.L.C., 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 Guarantee Group, L.L.C.

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:
FATE OF NEBRASKA)) ss OUNTY OF HALL)
On
WITNESS my hand and notarial seal the date above written.
Notary Public
y commission expires:

RESOLUTION 2021-290

WHEREAS know all men by these presents, that Guarantee Group, L.L.C., A Nebraska Limited Liability Company, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION", in part of the Northwest Quarter (NW1/4) of section twenty-three (23), Township Eleven (11) North, Range Ten (10) 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 COPPER CREEK ESTATES EIGHTEENTH 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, October 26, 2021.

	Roger G. Steele, Mayor
Attest:	
RaNae Edwards, City Clerk	

Approved as to Form

Cotober 22, 2021

City Attorney