



# City of Grand Island

Tuesday, January 25, 2022

Council Session

## Item G-4

**#2022-20 - Approving Final Plat for (ETJ) C & C Smith  
Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** January 25, 2022  
**Subject:** C & C Smith Subdivision – Final Plat  
**Presenter(s):** Chad Nabity, AICP, Regional Planning Director

## Background

This property is located north of Guenther Road and west of U.S. Highway 281. This property is zoned TA Transitional Agriculture. The original parcel was created in 1971 and should have been subdivided but was not. This corrects that error and brings the property into compliance. (1 lot, 2.75 acres).

## Discussion

The final plat for C & C Smith Subdivision was considered at the Regional Planning Commission at the January 5, 2022 meeting.

A motion was made by Rainforth and second by Randone to approve final plat for C & C Smith Subdivision.

A roll call vote was taken and the motion passed.

The motion was carried with nine members voting in favor (O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) 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**  
Curt Smith  
3468 W Guenther Road  
Grand Island, NE 68803

To create  
**Size: Final Plat** 1 lot, 2.75 Acres  
**Zoning:** TA - Transitional Agriculture  
**Road Access:** Existing county highway  
**Water:** City Water is not available to the subdivisions.  
**Sewer:** City Sewer is not available to the subdivision.



\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**C. C. SMITH SUBDIVISION**

Lot 1

In the City of Grand Island, Hall County Nebraska

The undersigned, CURT SMITH and CHRISTINE SMITH, HUSBAND AND WIFE 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:

The East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 E1/2 SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska excepting a tract of ground more particularly described as follows: A Tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12) above described, thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) a distance of 330 feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said

line a distance of 132 feet to the place of beginning & A tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten(10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter(SW1/4SE1/4) a distance of 330 Feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 :Feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said line a distance of 132 feet to the of the beginning.

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 C.C. SMITH 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 C.C. SMITH 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 Guenther 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 Guenther 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 C.C. SMITH 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 \_\_\_\_\_, 2022.

CURT SMITH, Subdivider

CHRISTINE SMITH, Subdivider

By: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF NEBRASKA        )  
  ) ss  
COUNTY OF HALL         )

On \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Curt Smith, owner, 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.

WITNESS my hand and notarial seal the date above written.

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

My commission expires: \_\_\_\_\_

On \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Christine Smith, owner, 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.

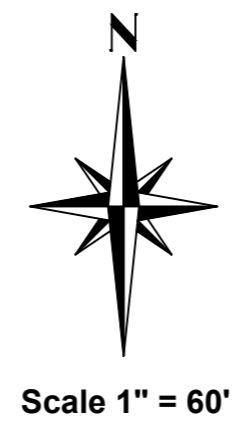
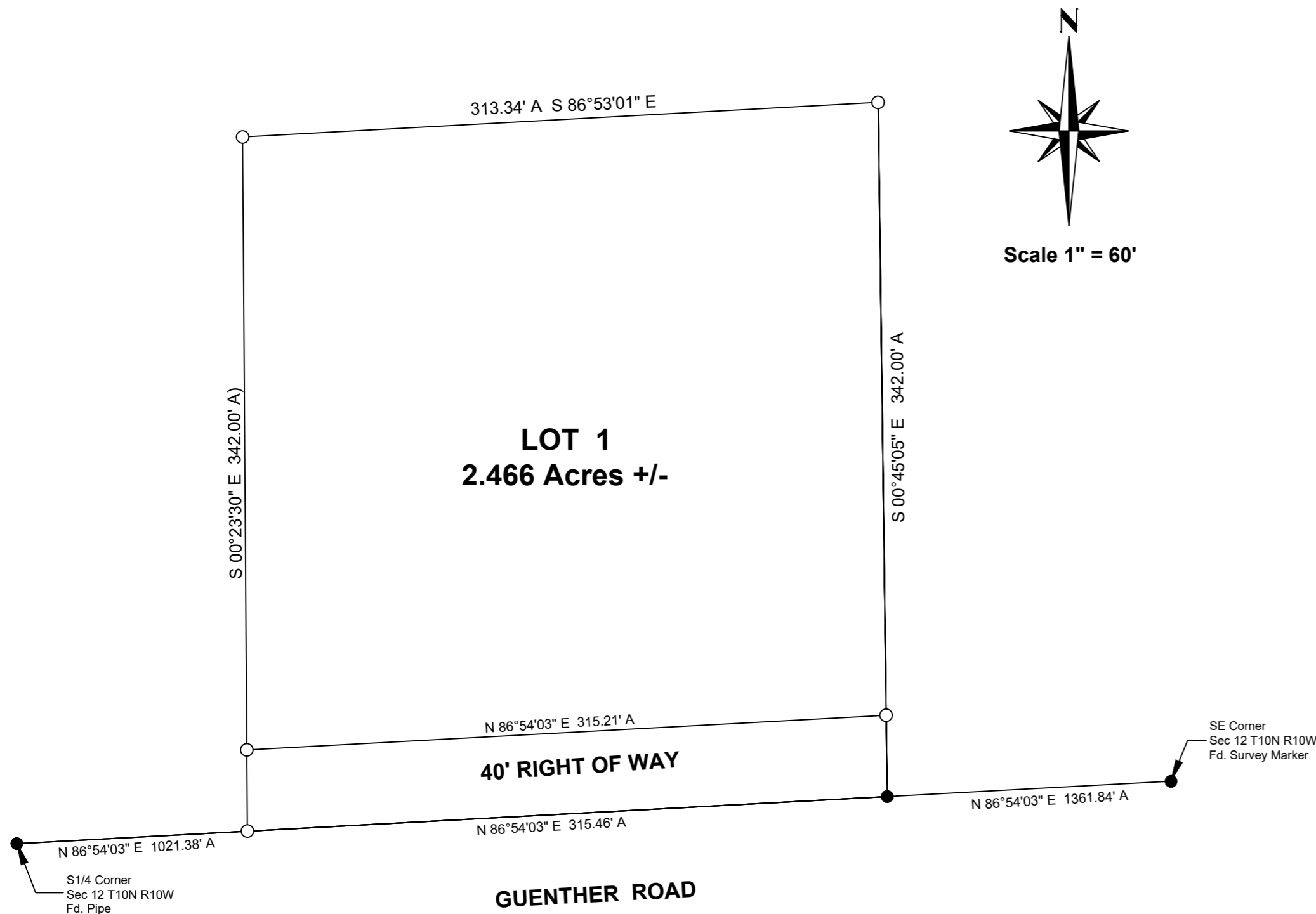
WITNESS my hand and notarial seal the date above written.

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

My commission expires: \_\_\_\_\_



# C & C SMITH SUBDIVISION



## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Curt Smith and Christine Smith Husband and Wife, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as C & C SMITH SUBDIVISION' in Hall County, 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 owner and proprietor. IN WITNESS WHEREOF, I have affixed my signature hereto, at Grand Island, Nebraska.

\_\_\_\_\_  
Curt Smith  
Date \_\_\_\_\_

\_\_\_\_\_  
Christine Smith  
Date \_\_\_\_\_

## ACKNOWLEDGEMENT

State of Nebraska  
County of Hall

On the \_\_\_\_ day of \_\_\_\_\_, 2022, before me \_\_\_\_\_ a Notary Public within and for said County, personally appeared Curt Smith and Christine Smith married Couple, and to me personally known to be the identical person whose signature is affixed hereto, and that he did acknowledge the execution thereof to be his 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 \_\_\_\_\_ .20\_\_

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

## 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 Hall County Board of Supervisors, this Day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Chairman of the Board

Approved and accepted by the City of Grand Island, Hall County, Nebraska this \_\_\_\_\_  
Day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

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

## LEGAL DESCRIPTION

Part of the Instrument Number: 0200700153

The East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 E1/2 SW1/4 SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska excepting a tract of ground more particularly described as follows: A Tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12) above described, thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) a distance of 330 feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said line a distance of 132 feet to the place of beginning

&

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## SURVEYORS CERTIFICATE

I hereby certify that on December 2, 2021, I completed an accurate survey of 'C & C SMITH SUBDIVISION', in 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 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  
Nebraska Professional Registered Land Surveyor No. 727

## 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 280 Grand Island, NE 68803 308-383-6754 Cell 308-675-4141 Office			
LOCATION: (E1/2 E1/2 SW1/4 SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West			
TITLE: C & C Smith Subdivision Hall County, Nebraska			
SCALE AT ALL:	DATE:	DRAWN:	PAGE:
1" = 100'	12/22/2021	Brent C.	1 OF 1
BENESCH PROJECT NO:	DRAWING NO:	REVISION:	

RESOLUTION 2022-20

WHEREAS know all men by these presents, that Curt Smith and Christine Smith Husband and Wife, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "C & C SMITH SUBDIVISION", The East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 E1/2 SW1/4 SE1/4) of Section Twelve (12) , Township Ten (10) North, Range Ten (10) West of the 6<sup>th</sup> P.M., 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 C & C SMITH 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, January 25, 2022.

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

Attest:

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

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney