



City of Grand Island

Tuesday, March 22, 2022

Council Session

Item G-4

**#2022-64 - Approving Subdivision Agreement Amendment for
Legacy 34 First Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: March 22, 2022

Subject: Legacy 34 First Subdivision – Subdivision Agreement Amendment

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

Background

Legacy 34 First Subdivision is located north of Husker Highway and west of Prairie View Street was approved by the Grand Island City Council on November 23, 2021. Staff and the developer are suggesting that Council approve the attached amendment to the Subdivision Agreement specific to the uses allowed on Outlot A the common property between the proposed apartment buildings.

Discussion

Outlot A was designed as a way to provide private access to the apartments and common parking for all of the units. In addition to access and parking it was intended that service line for water, sewer and electric would cross this property between the main lines and the buildings. In past cases like this the City required the Outlot to be designated as a utility easement. Staff requested that the utility easements as shown across Outlot A including 10' of space on either side of the easement where it crosses the property to better define where those utilities are located on the property. This has led to an issue with service lines (those lines between the main the building) having to cross areas of Outlot A that are not dedicated as utility easements to serve each building. This amendment is designed to insure that all future owners know that this is allowed and intended and that each building can connect to the main across the common Outlot.

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

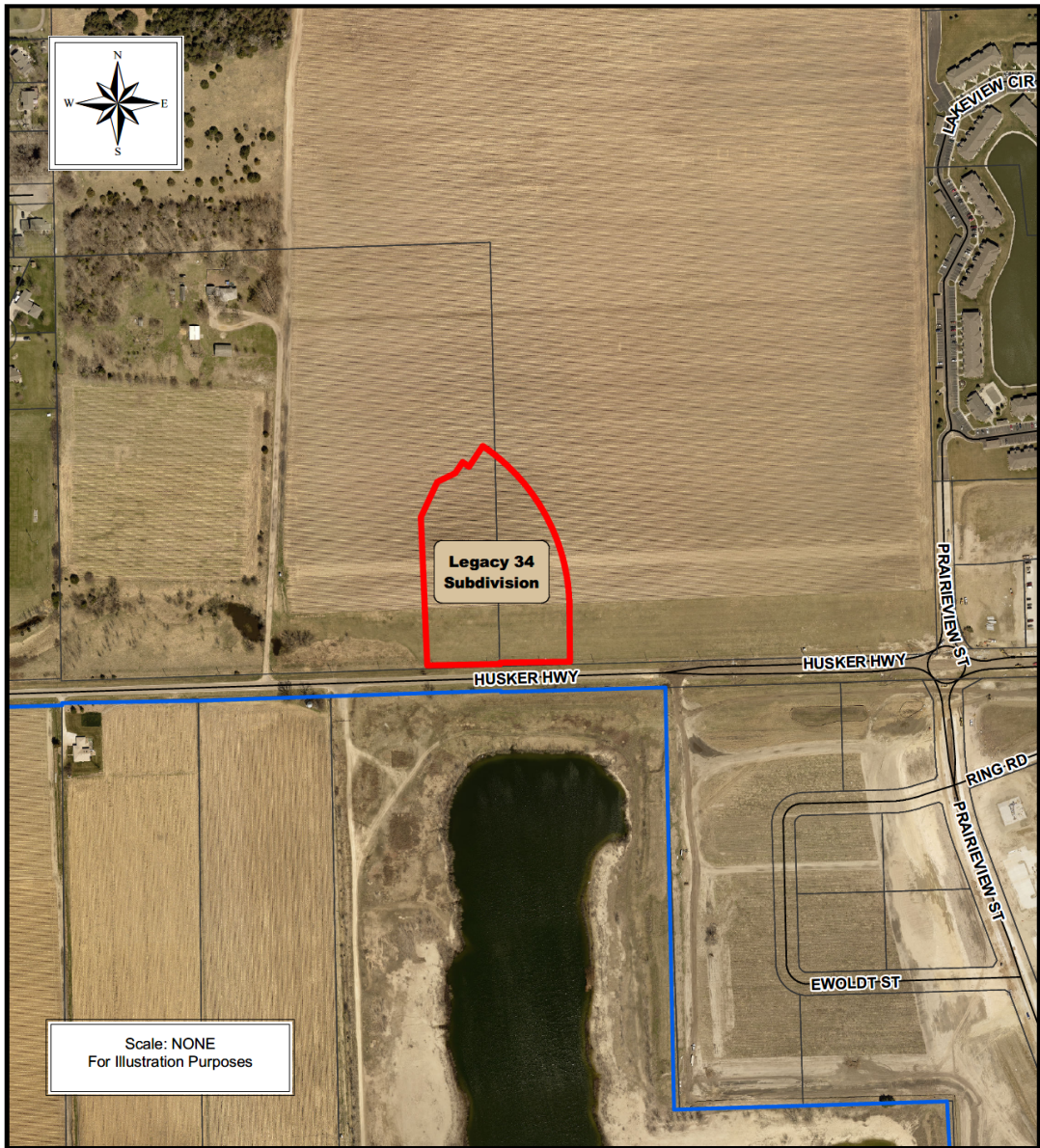
Recommendation

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
AERIAL MAP**



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

Return to:
RaNae Edwards
City Clerk
100 East 1st Street
Grand Island, NE 68801

SUBDIVISION AGREEMENT AMENDMENT

Legacy 34 First Subdivision

LOTS 1-11 Inclusive and Outlot A

In the City of Grand Island, Hall County, Nebraska

WHEREAS, Innate Development 2, LLC, a Nebraska limited liability company, herein after called the Subdivider, as owner of the tracts of land in the City of Grand Island, Hall County Nebraska, more particularly described as follows: Lots One (1) through Eleven (11) inclusive (the “Lots”) and Outlot A of Legacy 34 First Subdivision in the City of Grand Island, Hall County, Nebraska, collectively referred to as the Property; and

WHEREAS, Subdivider and the City of Grand Island, hereinafter called City, are parties to the Subdivision Agreement for Legacy 34 First Subdivision in the City of Grand Island, Hall County Nebraska, recorded as Document No. 202110377 in the office of the Hall County Register of Deeds, hereinafter called the Agreement; and

WHEREAS, Subdivider and City desire to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants set forth below, City and Subdivider amend the Agreement to include the following:

1. Subdivider, its successors, assigns, heirs, devisees, and legatees, and any subsequent owners of any Lot shall have a perpetual right of ingress/egress to Outlot A for the purpose of fire company operations, parking access including but not limited to parking stalls, access to common green spaces, access for the purpose of surveying, constructing, inspecting, maintaining, repairing, replacing, relocating, extending, removing and operating private utilities, including but not limited to –electric, water, sewer, storm sewer, telecommunication, data and items incidental or related thereto which may be under, upon or over Outlot A which shall be completed at the expense of the benefitted Lot Owners. Additionally, the benefitted Lot Owners

shall be responsible for restoring Outlot A to its condition as it existed prior to such construction, replacement, maintenance or repairs.

2. 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 Outlot A and any Lot shall be responsible to perform any of the conditions in this agreement if the Subdivider has not performed such conditions.

Date: _____, 2022

Innate Development 2, LLC, a Nebraska Limited Liability Company, Subdivider

By: _____
Scott P. Rief, Managing Member

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 Scott P. Rief, Managing Member of Innate Development 2, LLC, a Nebraska Limited Liability Company, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement Amendment and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of Innate Development 2, LLC.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

City of Grand Island, Nebraska, a Municipal Corporation

By: _____ By: _____
Roger G. Steele, Mayor RaNae Edwards, City Clerk

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2022, 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 be to be such officer and the identical person who signed the foregoing Subdivision Agreement Amendment and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution _____, 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 2022-64

WHEREAS know all men by these presents, that INNATE DEVELOPMENT 2, LLC, A Nebraska Limited Liability Company, being the owners of the land described Lots 1 11 Inclusive and Outlot A of LEGACY 34 FIRST SUBDIVISION, in the City of Grand Island, Hall County, Nebraska and wish to amend the Subdivision Agreement; and

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 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

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Adopted by the City Council of the City of Grand Island, Nebraska, March 22, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 18, 2022	☐ City Attorney