



City of Grand Island

Tuesday, April 12, 2022

Council Session

Item G-26

**#2022-102 - Approving Final Plat and Subdivision Agreement for
Nikodym Third Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 12, 2022

Subject: Nikodym Third Subdivision - Final Plat

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

Background

This property is located east of Cherry Street and north of Bismark Avenue in Grand Island, Nebraska. This is approval for the preliminary plat. A final plat will be brought forward for approval in the near future if this is approved. Proposed zoning R3 Medium Density Residential. (47 lots, 13.35 acres).

Discussion

The final plat for Nikodym Third 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 preliminary and final plat for Nikodym Third 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
JNIK INC.
1010 E. Bismark Rd
Grand Island, NE 68801

To create

Size: Final Plat 47 lots, 13.35 Acres

Zoning: R3 Medium Density Residential

Road Access: Existing city streets. New streets are proposed as 37' concrete curb and gutter streets.

Water: City water is available to the subdivision and will be extended to all new lots.

Sewer: City sewer is available to the subdivision and will be extended to all new lots.



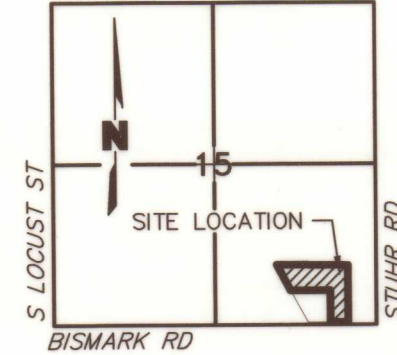
NIKODYM THIRD SUBDIVISION

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT

LOCATION MAP

SEC. 15, T11N, R9W
NOT TO SCALE



LEGAL DESCRIPTION

A REPLAT OF ALL OF LOT 2, NIKODYM SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 581510.82 SQUARE FEET OR 13.350 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON _____, 2022, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND CONSISTING OF A REPLAT OF ALL OF LOT 2, NIKODYM SECOND SUBDIVISION, 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

DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT JNIK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY AND MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE OF THE JIM F. NIKODYM REVOCABLE TRUST, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "NIKODYM THIRD SUBDIVISION" A REPLAT OF ALL OF LOT 2, NIKODYM SECOND SUBDIVISION, 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 ADDITION 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,

AT _____, NEBRASKA,

THIS ____ DAY OF _____, 2022.

THIS ____ DAY OF _____, 2022.

JOHN NIKODYM, MANAGER
JNJK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE
JIM F. NIKODYM REVOCABLE TRUST

ACKNOWLEDGMENT

STATE OF NEBRASKA
COUNTY OF HALL

BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED JOHN NIKODYM, MANAGER, JNJK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED 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 _____, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

THIS ____ DAY OF _____, 2022.

NOTARY PUBLIC

ACKNOWLEDGMENT

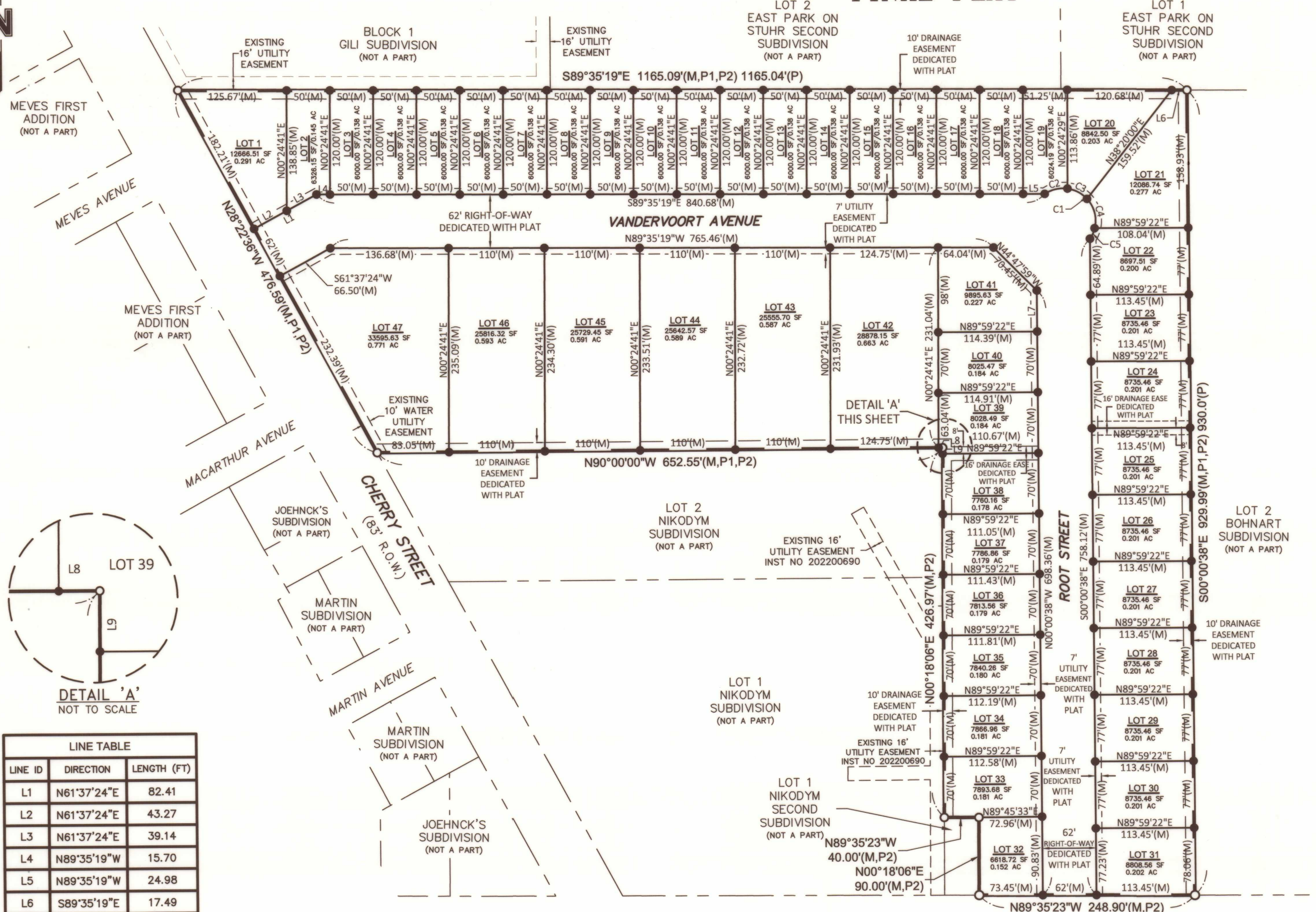
STATE OF NEBRASKA
COUNTY OF _____

BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MIRIAM I. NIKODYM, SUCCESSOR TRUSTEE OF THE JIM F. NIKODYM REVOCABLE TRUST, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED 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 _____, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

THIS ____ DAY OF _____, 2022.

NOTARY PUBLIC

0' 50' 100' 200'
SCALE IN FEET



LINE TABLE		
LINE ID	DIRECTION	LENGTH (FT)
L1	N61°37'24"E	82.41
L2	N61°37'24"E	43.27
L3	N61°37'24"E	39.14
L4	N89°35'19"W	15.70
L5	N89°35'19"W	24.98
L6	S89°35'19"E	17.49
L7	S00°00'38"E	47.53
L8	N90°00'00"W	4.75
L9	N00°18'06"E	6.97

CURVE TABLE					
CURVE ID	RADIUS (FT)	DELTA	LENGTH (FT)	CHORD BEARING	CHORD LENGTH (FT)
C1	37.50	158°03'45"	103.45	S44°47'59"E	73.63
C2	37.50	042°10'39"	27.61	N77°15'28"E	26.99
C3	37.50	039°55'34"	26.13	S61°41'25"E	25.61
C4	37.50	055°35'37"	36.39	S13°55'50"E	34.98
C5	37.50	020°21'55"	13.33	S24°02'56"W	13.26

OWNERS: JNJK, LLC & JIM F. NIKODYM REVOCABLE TRUST
SUBDIVIDER: JNJK, LLC & JIM F. NIKODYM REVOCABLE TRUST
SURVEYOR: OLSSON
ENGINEER: OLSSON
NUMBER OF LOTS: 47

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

PROJECT NO. 2021-0828
JNJK NIKODYM
SURVEY
FB

LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (5/8" REBAR W/CAP OR AS NOTED)
- PROPERTY LINE
- SUBDIVISION LINE
- NEW PROPERTY LINE
- M MEASURED DISTANCE
- P PLATTED DISTANCE SUPER BOWL SUB
- P1 PLATTED DISTANCE NIKODYM SUB
- P2 PLATTED DISTANCE NIKODYM 2nd SUB

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 _____, 2022.

MAYOR _____

CITY CLERK _____

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

NIKODYM THIRD SUBDIVISION

LOTS 1 through 47 INCLUSIVE

In the City of Grand Island, Hall County Nebraska

The undersigned, JOHN J. NIKODYM AND JNIK, LLC A NEBRASKA LIMITED LIABILITY CORPORATION 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 REPLAT OF ALL OF LOT 2, NIKODYM SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 581510.82 SQUARE FEET OR 13.350 ACRES MORE OR LESS;

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 NIKODYM THIRD 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 NIKODYM THIRD 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 Vandervoort Avenue and Root Street 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 Vandervoort Avenue and Root Street, 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 Cherry Street and Bismark Road where they abut the subdivision.

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

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.

The Subdivider shall be responsible for installing concrete flumes for drainage at the back of the lots as shown on the drainage plan. The Subdivider and subsequent property owners shall be responsible for maintenance of the concreted flumes.

The Subdivider or a property owners association created for this purpose shall be responsible for maintenance of the detention cell constructed on in the drainage easement dedicated on Lot 2 of Nikodym Subdivision as dedicated and accepted by the City of Grand Island at the April 12, 2022 City Council Meeting.

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	Sidewalk Requirement Waived by Council
Cherry Street	X		NO
Bismark Road		X	NO
Vandervoort Avenue	X		
Root Street	X		NO

6. **Electric.** In the event that lots 1, 21 41, 42, 43, 44, 45, 46 or 47, all of which are large enough to permit more than 2 dwelling units per lot, are used for more than 2 dwelling units

the Subdivider agrees to install all conduit, both primary and secondary, as well as all necessary transformer pads to serve these lots in accordance with plans and specifications approved by the Utilities Department, and subject to the City's inspection.

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 NIKODYM THIRD 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 _____, 2022.

JOHN J. NIKODYM, Subdivider

JNIK LLC, A NEBRASKA LIMITED
LIABILITY COMPANY, 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 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 _____, 2022, 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: _____

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 _____, 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 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 2022-_____, 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: _____

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RESOLUTION 2022-102

WHEREAS know all men by these presents, that JNIK, LLC, A Nebraska Limited Liability Company and Miriam I. Nikodym, Successor Trustee of Jim F. Nikodym Revocable Trust, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “NIKODYM THIRD SUBDIVISION”, A replat of all of lot 2, NIKODYM SECOND SUBDIVISION, 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 NIKODYM THIRD 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, April 12, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 7, 2022	☐ City Attorney