



City of Grand Island

Tuesday, April 26, 2022

Council Session

Item G-5

**#2022-106 - Approving Final Plat and Subdivision Agreement for
Copper Creek Estates 21st Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 26, 2022

Subject: Copper Creek Estates Twenty-First Subdivision- Final Plat

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

Background

This property is generally located east of Kenneth Drive and south of Thomas Street in Grand Island, Nebraska. (20 lots, 4.917 acres). This property is zoned R2 Low Density Residential.

Discussion

The final plat for Copper Creek Estates Twenty-First Subdivision was considered at the Regional Planning Commission at the April 6, 2022 meeting.

A motion was made by Ruge and second by Monter to approve all items on the consent agenda.

The motion carried with eleven members voting in favor (Nelson, Allan, O'Neill, Ruge, Olson, Robb, Monter, Rubio, Randone, and Randone) with no members voting no.

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 preliminary plat as presented.

Sample Motion

Move to approve as recommended.

Developer/Owner
Guarantee Group LLC
PO Box 5916
Grand Island, NE 68802

To create

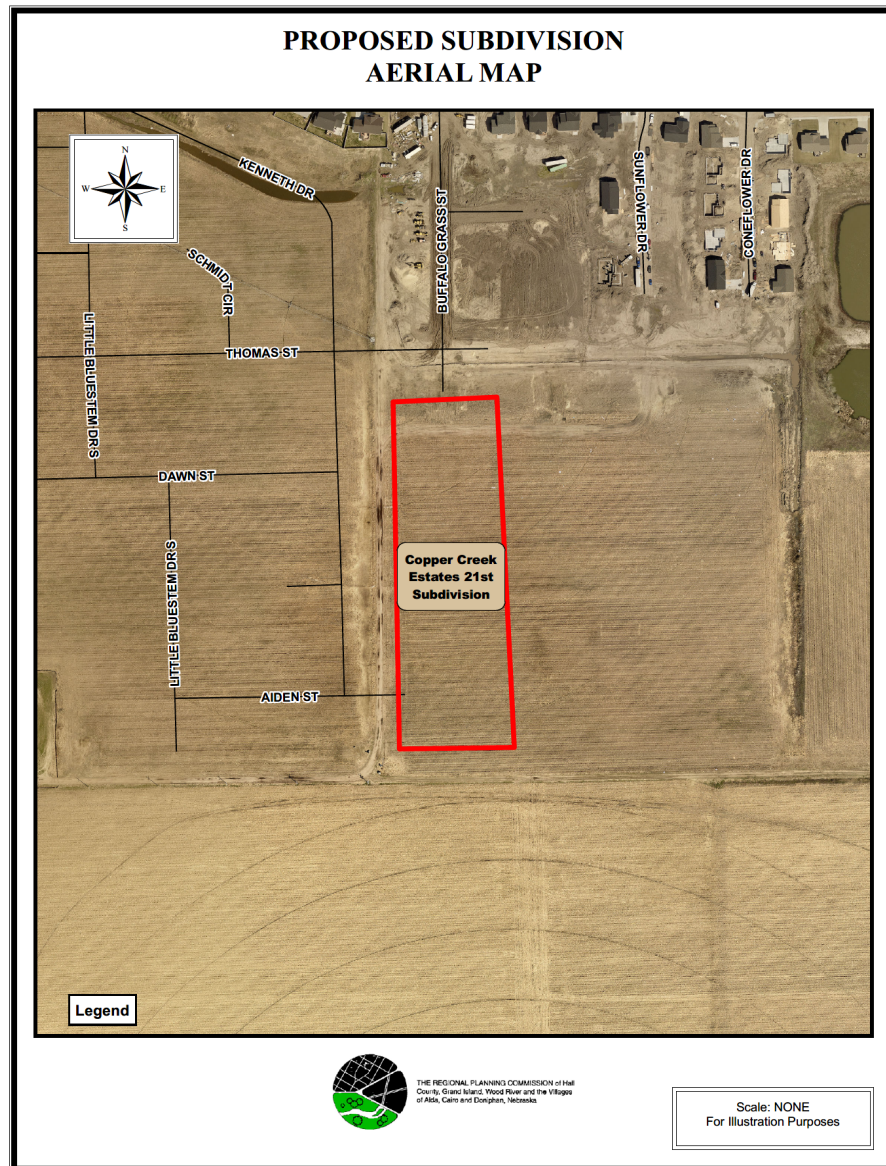
Size: Final Plat 20 lots, 4.917 Acres

Zoning: R2 Low Density Residential

Road Access: 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.



SURVEYOR'S CERTIFICATE

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

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF LOT 24, COPPER CREEK ESTATES SEVENTEENTH SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S07°55'44"E A DISTANCE OF 78.69 FEET; THENCE S05°01'23"E A DISTANCE OF 160.52 FEET; THENCE S00°46'31"E A DISTANCE OF 405.73 FEET; THENCE N89°36'39"E A DISTANCE OF 10.00 FEET; THENCE S00°46'31"E A DISTANCE OF 60.00 FEET; THENCE S89°36'39"W A DISTANCE OF 11.57 FEET; THENCE S00°46'31"E A DISTANCE OF 98.48 FEET TO THE NORTH LINE OF A TRACT AS DESCRIBED IN INST. NO. 201901301; THENCE S89°40'53"W, ALONG SAID NORTH LINE OF SAID TRACT, A DISTANCE OF 344.06 FEET TO A POINT BEING THE SOUTHEAST CORNER OF LOT 32, COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION; THENCE N00°46'31"W, ALONG THE EAST LINE OF SAID LOT 32, A DISTANCE OF 95.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 32 AND ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF AIDEN STREET; THENCE N89°35'39"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 95.57 FEET; THENCE N00°46'31"W, ALONG AN EAST LINE OF SAID COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AIDEN STREET; THENCE S89°35'39"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 34, SAID COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION; THENCE N00°46'31"W, ALONG AN EAST LINE OF SAID COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION, A DISTANCE OF 564.01 FEET TO THE SOUTHEAST CORNER OF LOT 41, SAID COPPER CREEK ESTATES EIGHTEENTH SUBDIVISION; THENCE N03°30'02"W, ALONG THE EAST LINE OF SAID LOT 41, A DISTANCE OF 78.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 41 AND SAID POINT ALSO BEING ON THE SOUTH LINE OF COPPER CREEK ESTATES SEVENTEENTH SUBDIVISION; THENCE N89°39'52"E, ALONG A SOUTH LINE OF SAID COPPER CREEK ESTATES SEVENTEENTH SUBDIVISION, A DISTANCE OF 242.04 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 214,174.99 SQUARE FEET OR 4.917 ACRES MORE OR LESS OF WHICH 1.245 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

DEDICATION OF PLAT

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT _____, NEBRASKA
THIS ____ DAY OF _____, 2022.

SEAN P. O'CONNOR, A MEMBER
THE GUARANTEE GROUP, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGMENT

STATE OF NEBRASKA SS
COUNTY OF HALL

ON THIS ____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED SEAN P. O'CONNOR, A MEMBER, THE GUARANTEE GROUP, 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.

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

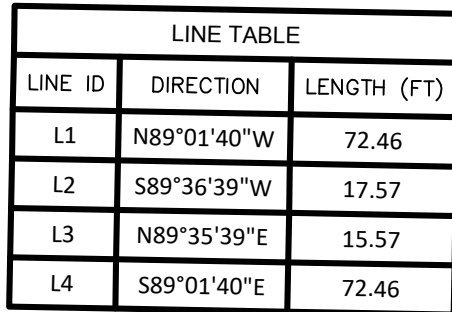
THIS ____ DAY OF _____, 2022.

MAYOR _____

CITY CLERK

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

PROJECT NO. 2022-01747
GUARANTEE GROUP SURVEY
FB



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

COPPER CREEK TWENTY FIRST SUBDIVISION

Lots 1-20 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, 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 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 24, COPPER CREEK ESTATES SEVENTEENTH SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S07°55'44"E A DISTANCE OF 78.69 FEET; THENCE S05°01'23"E A DISTANCE OF 160.52 FEET; THENCE S00°46'31"E A DISTANCE OF 405.73 FEET; THENCE N89°36'39"E A DISTANCE OF 10.00 FEET; THENCE

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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 TWENTY FIRST 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 TWENTY FIRST 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 Buffalo Grass Street and Aiden 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 Buffalo Grass Street and Aiden Street, the City may create a paving district to perform such work.

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 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
Buffalo Grass Street	x		NO
Aiden Street	x		NO

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 COPPER CREEK TWENTY FIRST 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.

GUARANTEE GROUP, L.L.C., Subdivider

By: _____
Sean P. O'Connor, 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 Sean P. O'Connor, Member, Guarantee Group, L.L.C., a Nebraska Limited Liability Company, 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.

My commission expires: _____

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: _____
Roger G. Steele, Mayor

Attest: _____

RaNae Edwards, City Clerk

[illegible]

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.

My commission expires: _____

RESOLUTION 2022-106

WHEREAS know all men by these presents, that Guarantee Group, 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 TWENTY-FIRST SUBDIVISION", A tract of land consisting of the northwest quarter (NW ¼) 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 TWENTY-FIRST 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 26, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 22, 2022	☐ City Attorney