



City of Grand Island

Tuesday, April 26, 2022

Council Session

Item G-8

**#2022-109 - Approving Amendment to McCoy Meadows
Subdivision Agreement**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 26, 2022

Subject: McCoy Meadows Subdivision – Subdivision Agreement Amendment

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

Background

McCoy Meadows Subdivision, located east of Ebony Lane and north of State Street was approved by the Grand Island City Council on July 23, 2019. Staff and the developer are requesting that Council approve the attached amendment to the Subdivision Agreement specifically paragraph 9 Design and Construction and paragraph 11 Landscaping.

Discussion

General development practices and setbacks in Grand Island are measure setbacks from the property line between the property line and the wall of the structure. Overhangs and projections from the buildings are permitted in a limited fashion in side front and rear yard setbacks. The original subdivision agreement for McCoy Meadows limited all parts of the building to the defined building envelope. The developer expected that projections would be permitted and the designs were submitted with that in mind. The proposed changes to paragraphs 9 and 11 will eliminate any confusion and make it clear that projections from the building are permitted in the same manner that they would be permitted on any other lot in Grand Island following the same codes applicable to other lots.

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

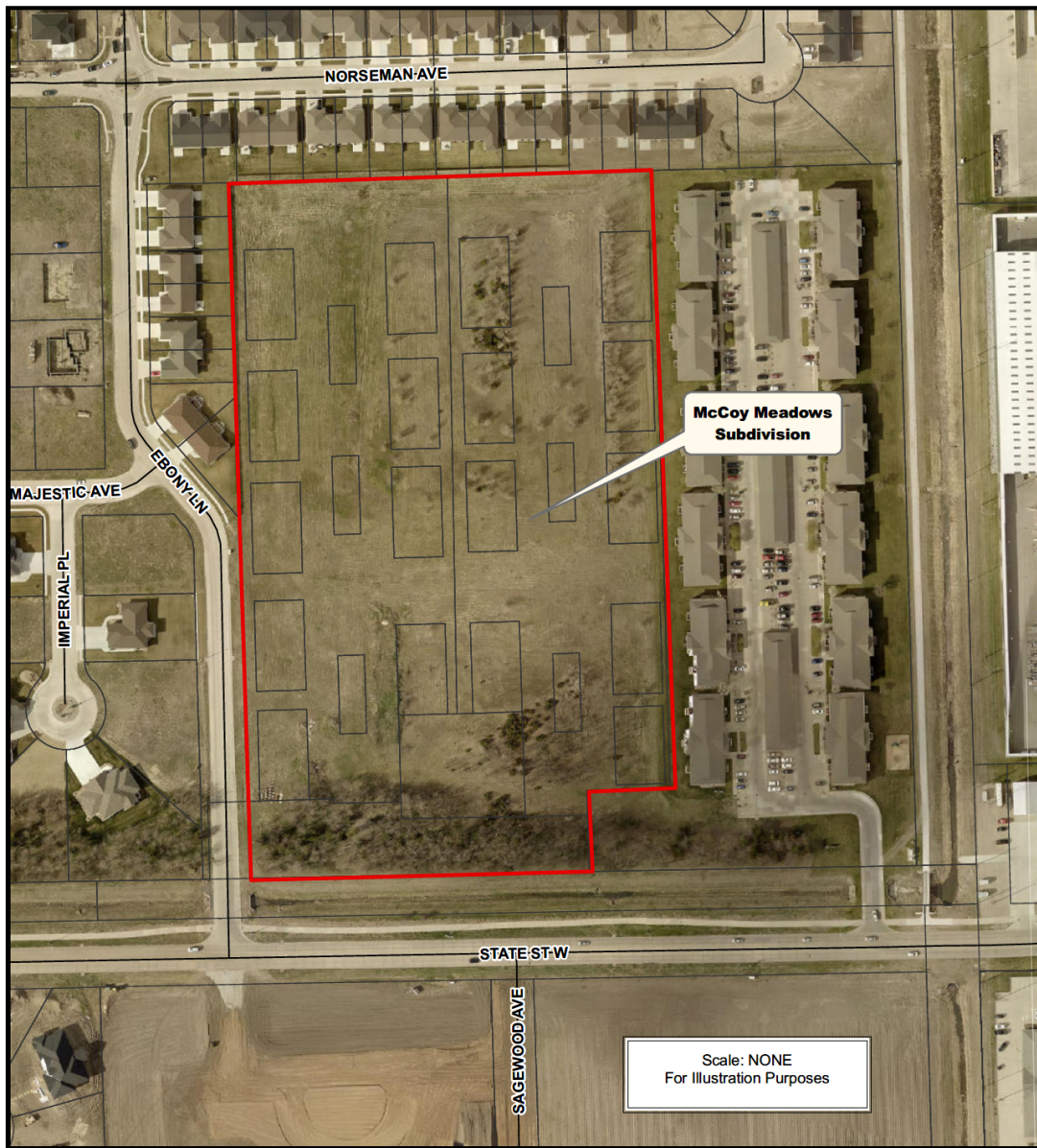
Recommendation

City Administration recommends that Council approve the amendments to 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

McCoy Meadows Subdivision

(Block 1 Lots 1 through 8, Block 2 Lots 1 through 12, Block 3 Lots 1 through 14, Block 4 Lots 1 through 14 and Outlot A)

In the City of Grand Island, Hall County, Nebraska

WHEREAS, , DANA POINT DEVELOPMENT CORPORATION, a Wyoming Corporation, as owner of the tracts of land in the City of Grand Island, Hall County Nebraska, more particularly described as follows: Block 1 Lots 1 through 8, Block 2 Lots 1 through 12, Block 3 Lots 1 through 14, Block 4 Lots 1 through 14 and Outlot A of McCoy Meadows 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 McCoy Meadows Subdivision in the City of Grand Island, Hall County Nebraska, recorded as Document No. 201905690 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 replace Paragraph 9 Design and Construction and Paragraph 11 Landscaping with the following:

9. **Design and Construction.** No building shall be constructed except within the Building Envelope Areas as defined on the Development Plan (Exhibit "A"). The buildings to be constructed shall be consistent with the designs approved with the development plan to include

four single family detached homes on Lots 1 through 4 of Block 1 and duplex units on the remaining lots generally as shown in the attached elevations and floor plans. No portion of any building constructed (including architectural features) shall exceed a height of 35 feet above the center of the street at the midpoint of the front property line. Roof eaves may comply with **§36-26 Projections from Buildings** and project outside of the building envelope and into the buffer yard.

11. **Landscaping.** The Subdivider agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island. The Subdivider shall install and maintain landscaping at its own expense. Thirty foot landscape buffers shall be maintained south of McCoy Lane on Outlot A and on the west side of Lots 1-4 of Block 1 adjacent to Ebony Lane. A ten foot landscape buffer with a 6 foot fence or shrubbery shall be maintained along the west side of Lots 5-8 Block 1, at the north end of Outlot A adjacent to the end of Brandie Lane and north of Lots 1-4 of Block 2. No buildings or other structures shall be permitted outside of the building envelopes in a manner that encroaches into the required landscape buffer, except for roof eaves in compliance with **§36-26 Projections from Buildings** of the Grand Island City Code.

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.

Dated _____, 2022.

DANA POINT DEVELOPMENT
CORPORATION, a Wyoming Corporation,
Subdivider

By: _____
Matthew Thomas, President

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 Matthew Thomas, President of Dana Point Development, a Wyoming Corporation, 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 Dana Point Development Corporation.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

RESOLUTION 2022-109

WHEREAS know all men by these presents, that Dana Point Development Corporation, A Wyoming Corporation, being the owners of the land described as Block 1 Lots 1 through 8, Block 2 Lots 1 through 12, Block 3 Lots 1 through 14, Block 4 Lots 1 through 14 and Outlot A of McCoy Meadows Subdivision in the City of Grand Island, Hall County, Nebraska and wish to amend the Subdivision Agreement

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, April 26, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

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