



# City of Grand Island

Tuesday, May 24, 2022

Council Session

## Item G-17

### **#2022-148 - Approving Amendment to Jaxson Subdivision Agreement**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 24, 2022

**Subject:** Jaxson Subdivision – Subdivision Agreement Amendment

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

## **Background**

Jaxson Subdivision, located west of North Road and south of Old Potash Highway was approved by the Grand Island City Council on November 10, 2021. Staff and the developer are requesting that Council approve the attached amendment to the Subdivision Agreement specifically paragraph 6, Sidewalks and paragraph 8, Design and Construction.

## **Discussion**

The original paragraph 6 Sidewalks anticipated a 10' trail would be constructed adjacent to Old Potash Highway as approved by the City Engineer. The configuration of the existing road and ditch and the anticipated elevation of the lots does not allow for a 10' foot wide trail but will accommodate an 8' trail along this stretch of Old Potash. Staff is recommending the approval of an 8' trail instead of just allowing a 5' sidewalk.

The Original Agreement anticipated the development of 192 units of apartment in buildings with 3 or 5 units in each building. Due to lot constraints and requirement for accessibility most of the 5 unit buildings will likely be changed to 4 unit buildings. The proposed changes would allow up to 192 units of housing in 3 to 5 unit buildings.

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 Jaxson Subdivision 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 paragraph 8 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

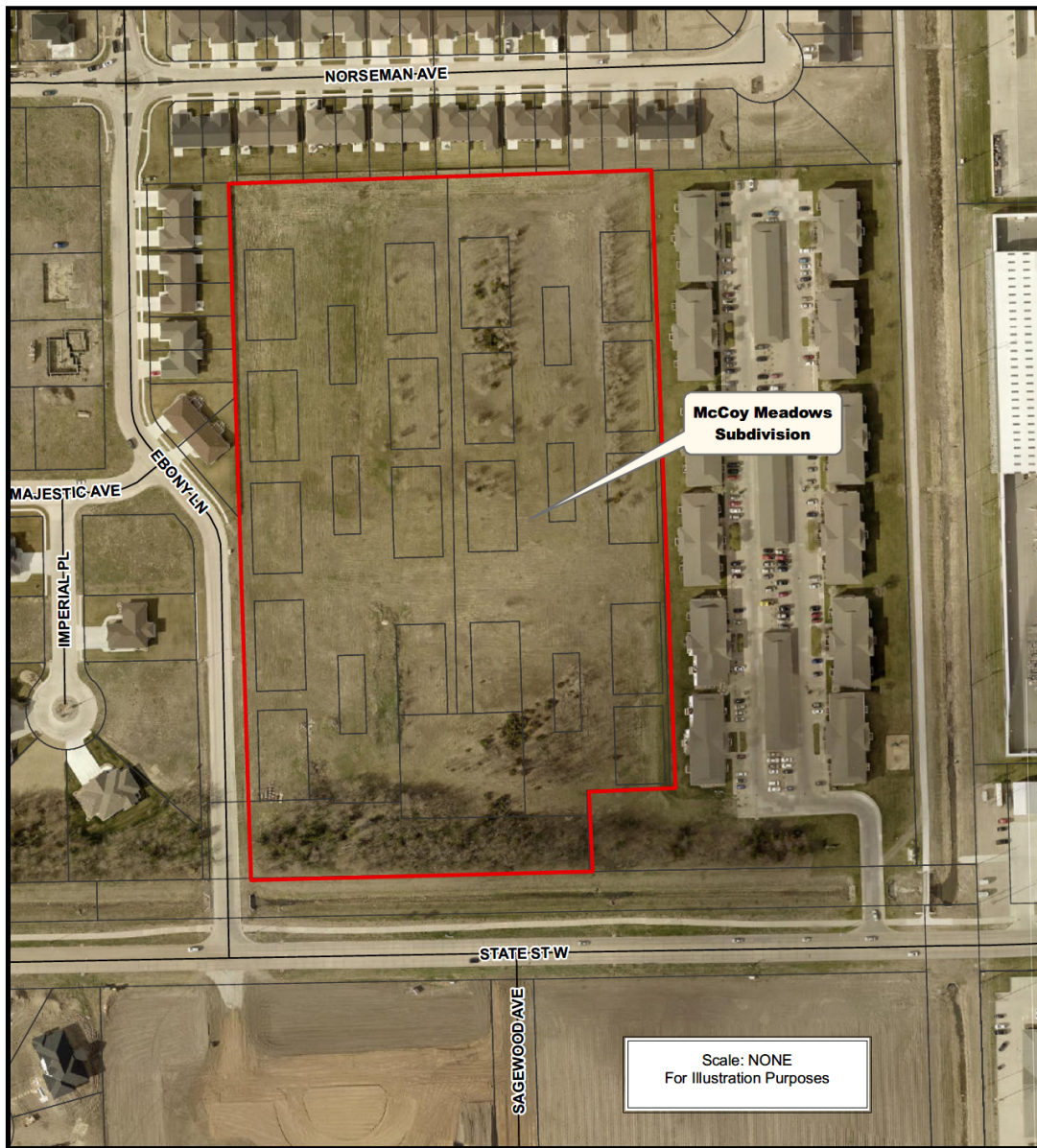
### **Recommendation**

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 1<sup>st</sup> Street  
Grand Island, NE 68801

## SUBDIVISION AGREEMENT AMENDMENT

### **All of Jaxson Subdivision**

Including Lots 1-16 and Outlot A

In the City of Grand Island, Hall County, Nebraska

WHEREAS, 3MJR LLC, as owner of the tracts of land in the City of Grand Island, Hall County Nebraska, more particularly described as follows: All of Jaxson Subdivision including Lots 1-16 and Outlot A 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 Jaxson Subdivision in the City of Grand Island, Hall County Nebraska, recorded as Document No. 202110278 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:

6. **Sidewalks.** The Subdivider shall install and maintain all public sidewalks required by the City of Grand Island. The Subdivider shall install a 40 **eight foot (8')** hike bike trail along Old Potash Highway according to plans approved by the City Engineer within the subdivision, and shall if permitted, extend the hike bike trail along the city property to the east to

North Road. The Subdivider shall provide sidewalks adjacent to the private streets when each lot is built upon.

8. **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 **no more than** 192 units of single story 2 and 3 bedroom apartments in buildings with **between 3 or and** 5 units per building as shown in the attached development plan and 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.**

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.

3MJR LLC, a

By: \_\_\_\_\_  
Joshua R. Rhoads, Member

[illegible]

On \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Joshua R. Rhoads, Member 3MJR LLC,, 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: \_\_\_\_\_

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: \_\_\_\_\_

RESOLUTION 2022-148

WHEREAS know all men by these presents, 3MJR LLC, as owner of the tracts of land in the City of Grand Island, Hall County Nebraska, more particularly described as follows: All of Jaxson Subdivision including Lots 1-16 and Outlot A in the City of Grand Island, Hall County, Nebraska, collectively referred to as the Property; and wishes 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, May 24, 2022.

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

Attest:

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

Approved as to Form	☐ _____
May 23, 2022	☐ City Attorney