



# City of Grand Island

Tuesday, June 28, 2022

Council Session

## Item G-8

**#2022-168 - Approving Final Plat and Subdivision Agreement for  
Stuhr Acres Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** June 28, 2022  
**Subject:** Stuhr Acres Subdivision- Final Plat  
**Presenter(s):** Chad Nabity, AICP, Regional Planning Director

## **Background**

This property is generally located east of Stuhr Road and north of U.S. Highway 34 in Grand Island, Nebraska. (5 lot, 57.74 acres). This property is zoned TA Transitional Agriculture. The property consists of 5 parcels that are non-conforming lots of record. The proposal would reconfigure and plat those parcels without creating any additional lots and reducing the number of accesses required onto Stuhr Road.

## **Discussion**

The final plat for Stuhr Acres Subdivision was considered at the Regional Planning Commission at the June 1, 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 final plat as presented.

## **Sample Motion**

Move to approve as recommended.

**Developer/Owner**

Phil A. Beckett II  
2110 E. Stolley Park Road  
Grand Island, NE 68801  
To create

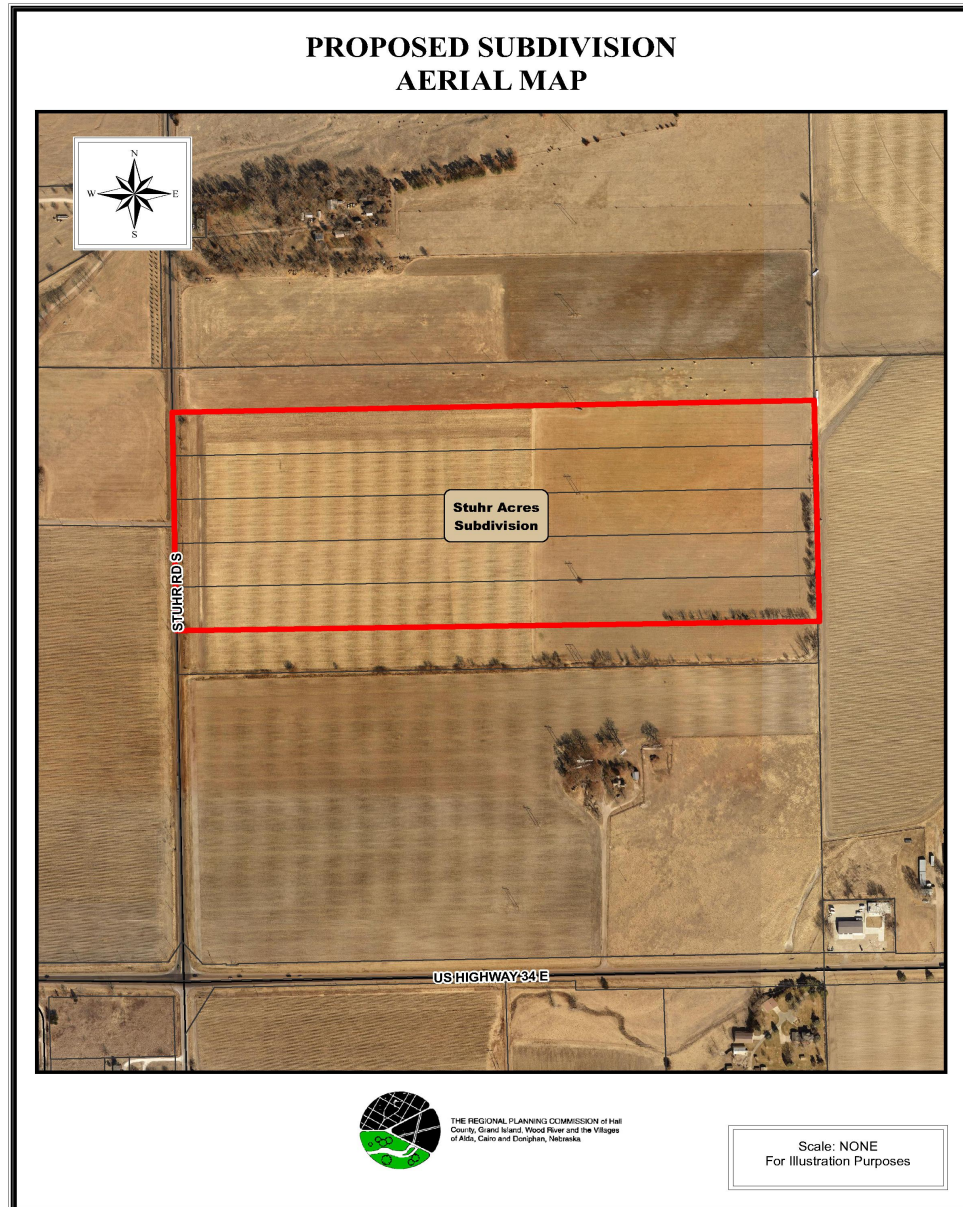
**Size: Final Plat** 5 lots, 57.74 Acres

**Zoning:** TA Transitional Agriculture

**Road Access:** Existing County Road

**Water:** City water is not available to the subdivision.

**Sewer:** City sewer is not available to the subdivision.



\* This Space Reserved for Register of Deeds \*

## SUBDIVISION AGREEMENT

### **STUHR ACRES SUBDIVISION**

Lots 1 through 5 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, PHILLIP A. BECKETT, II., 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 comprising a part of the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ ), Section Twenty Six (26), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska. More particularly described as follows: Commencing at the northeast corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$ ; thence S 00°09'40" W on and upon the east line of said N $\frac{1}{2}$ SW $\frac{1}{4}$  a distance of 189.37 feet to the Point of Beginning; thence continuing S 00°09'40" W on and upon the east line of said N $\frac{1}{2}$ SW $\frac{1}{4}$  a distance of 945.25 feet to a point; thence N 89°59'00" W a distance of 2648.31 feet to a point on the west line of said N $\frac{1}{2}$ SW $\frac{1}{4}$ ; thence N 00°08'33" E on and upon the west line of said N $\frac{1}{2}$ SW $\frac{1}{4}$  a distance of 945.32 feet to the Point of Beginning. Said tract contains 57.474 acres more or less, of which 0.868 acres is road right-of-way to be dedicated.;

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 STUHR ACRES 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 STUHR ACRES 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 waive the right to object to the creation of any paving or repaving district for Stuhr Road where it abuts the subdivision.

2.     **Water.** Public water supply is not available to the subdivision. Therefore, individual water well systems shall be permissible on an initial basis. The Subdivider waives the right to protest the creation of any future water district within or abutting the subdivision.

3.     **Sanitary Sewer.** Public sanitary sewer main is not available to the subdivision; therefore individual systems shall be permissible on an initial basis. However, the Subdivider waives the right to protest the creation of a sanitary sewer district within or abutting the subdivision.

4.     **Storm Drainage.** The Subdivider agrees to provide and maintain positive

drainage from all lots, according to the drainage plan, 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.** Immediate sidewalk construction adjacent to Stuhr Road shall be waived. However, the sidewalks shall be constructed when the property owner is directed to do so by the City Council. In the event a Street Improvement District is created to pave any public street in the subdivision, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk Policy.

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 STUHR ACRES 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.

PHILLIP A BECKETT, II., Subdivider

By: \_\_\_\_\_  
Phillip A. Beckett, II.

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 Phillip A. Beckett, II., 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.

WITNESS my hand and notarial seal the date above written.

\_\_\_\_\_  
Notary Public



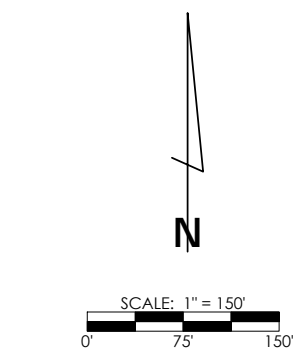
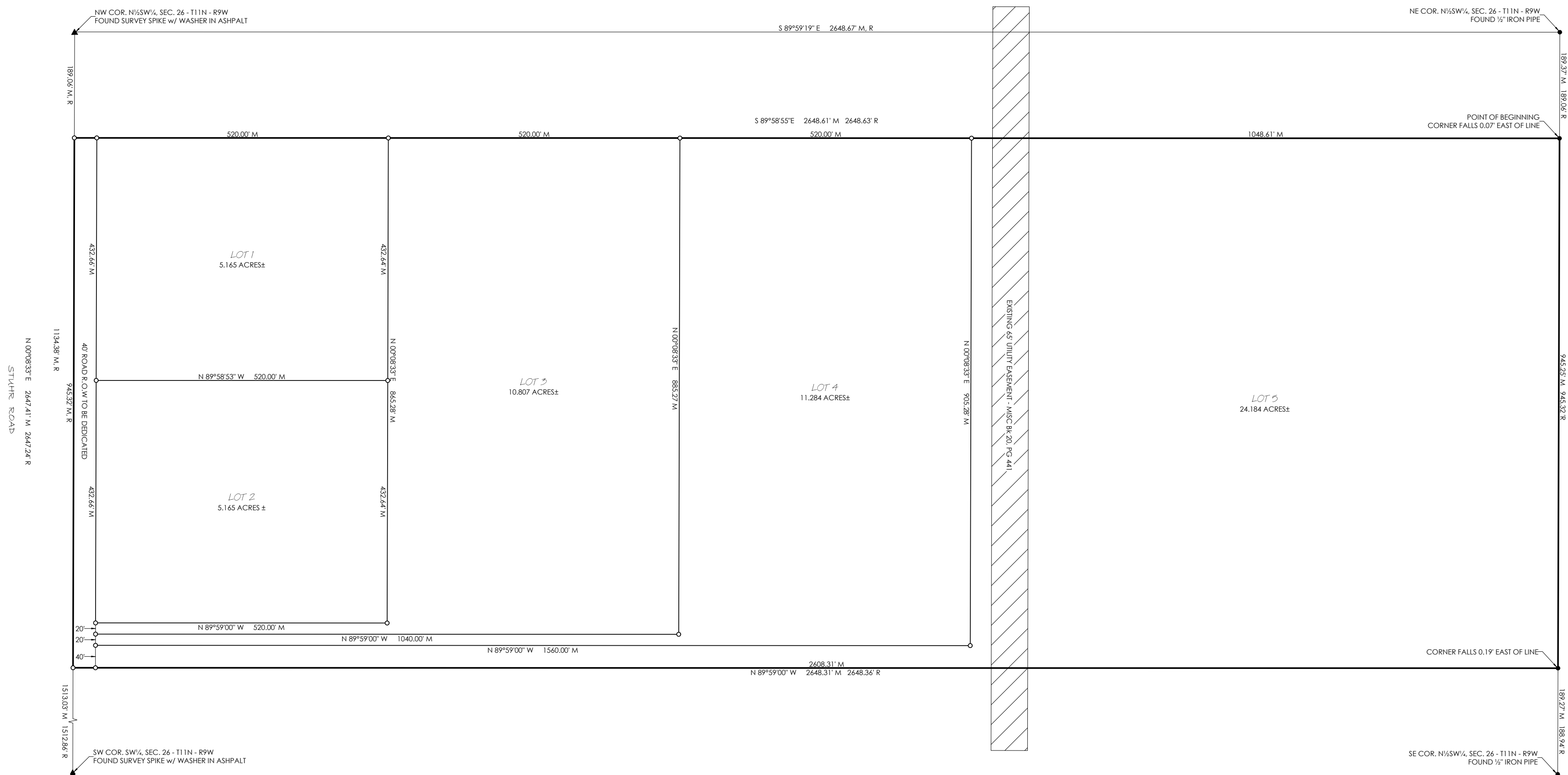


# STUHR ACRES SUBDIVISION

Pt. N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SECTION 26- T11N - R9W

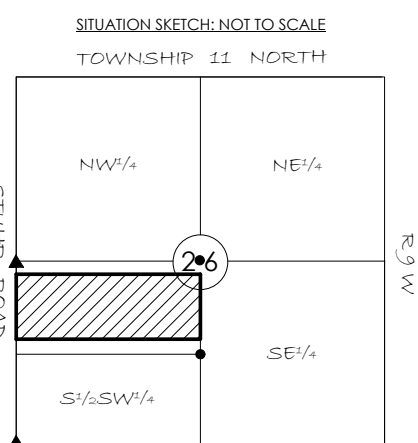
HALL COUNTY, NEBRASKA

- FINAL PLAT -



LEGEND  
M = MEASURED DISTANCE  
R = RECORDED DISTANCE (LS #178 SURVEYS - 04/11/1984)  
X = COMPUTED POINT  
○ = 5/8" REBAR w/ LS #776 PLASTIC CAP PLACED  
● = 1/2" IRON PIPE FOUND UNLESS NOTED

CORNER TIES  
NE COR. N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SEC. 26 - T11N - R9W  
FOUND 1/2" IRON PIPE  
22.94' NE to NAIL IN FENCE POST  
4.76' E to NAIL IN CORNER FENCE POST  
2.82' SE to NAIL IN POWER POLE  
SE COR. N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SEC. 26 - T11N - R9W  
FOUND 1/2" IRON PIPE  
9.34' NE to NAIL IN RR TIE  
4.62' E to NAIL IN FENCE POST  
3.44' SE to NAIL IN RR TIE  
NW COR. N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SEC. 26 - T11N - R9W  
FOUND SURVEY SPIKE w/ WASHER IN ASPHALT  
32.94' E to CHISELED 'X' IN TOP OF CONCRETE WITNESS CORNER  
32.44' WSW to MAG NAIL IN POWER POLE  
30.62' W to NAIL w/ RIBBON IN CUT OFF POWER POLE  
32.93' W to REBAR IN TOP OF CONCRETE WITNESS CORNER  
47.76' NW to NAIL w/ RIBBON IN TOP OF FENCE POST  
SW COR. SW<sup>1</sup>/<sub>4</sub>, SEC. 26 - T11N - R9W  
FOUND SURVEY SPIKE w/ WASHER IN ASPHALT  
99.38' SE to CHISELED 'X' IN LEANING R.O.W. MARKER  
74.20' SW to NAIL IN POWER POLE  
98.50' NW to NAIL IN POWER POLE



OWNER  
- PHIL BECKETT  
SUBDIVIDER  
- PHIL BECKETT  
SURVEYOR  
- JASNOWSKI SURVEYING LLC  
NUMBER OF LOTS  
- 5

SURVEYOR'S NOTES  
- BEARINGS ARE BASED OFF OF WORLD GEODETIC SYSTEM OF 1984 (WGS84).  
- ALL DISTANCES SHOWN ARE REPRESENTED AS GROUND DISTANCES.  
- BEARINGS AND DISTANCES ARE SHOWN ON AND UPON EXISTING SECTION LINES WITH LEGAL DESCRIPTIONS WRITTEN ACCORDINGLY.  
- THE PROPERTY CORNERS SET ON STUHR ROAD ARE MAG NAILS WITH AN LS #776 WASHER DRIVEN INTO THE ASPHALT.  
- THE 65' UTILITY EASEMENT IS RECORDED IN THE OFFICE OF THE HALL COUNTY REGISTER OF DEEDS, MISCELLANEOUS BOOK 20, PAGE 441.

LEGAL DESCRIPTION  
A tract of land comprising a part of the North Half of the Southwest Quarter (N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>), Section Twenty Six (26), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska. More particularly described as follows:  
Commencing at the northeast corner of said N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>; thence S 00°09'40" W on and upon the east line of said N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> a distance of 189.37 feet to the Point of Beginning; thence continuing S 00°09'40" W on and upon the east line of said N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> a distance of 945.25 feet to a point; thence N 89°59'00" W a distance of 2648.31 feet to a point on the west line of said N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>; thence N 00°08'33" E on and upon the west line of said N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> a distance of 945.32 feet to the Point of Beginning. Said tract contains 57.474 acres more or less, of which 0.868 acres is road right-of-way to be dedicated.

SURVEYOR'S CERTIFICATE  
I, Evan A. Jasnowski, Nebraska Registered Land Surveyor #776, duly registered under the Land Surveyor's Regulation Act, do hereby state that at the request of Phil Beckett, I have caused to be made a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct, and in accordance with the Minimum Standards for Surveys in effect at the time of this survey.

Evan A. Jasnowski  
Date 05/11/2022

DEDICATION  
KNOW ALL MEN BY THESE PRESENTS, that Phillip A. Beckett II, owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "Stuhr Acres Subdivision", a part of the North Half of the Southwest Quarter (N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>), Section Twenty Six (26), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., 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 the easements, as shown thereon for the location, construction and maintenance of public service utilities, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstruction upon, over, along or underneath the surface of such easements; and that foregoing subdivision as more particularly described in the description as appears on this plat is made with the free consent and in accordance with the desires of the undersigned owner and proprietors.

IN WITNESS WHEREOF, I have affixed my signature hereto at \_\_\_\_\_, Nebraska, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Phillip A. Beckett II

ACKNOWLEDGEMENT  
State of Nebraska ss  
County of Hall  
On this, the \_\_\_\_ day of \_\_\_\_\_, 2022, before me \_\_\_\_\_, a Notary Public within and for said County, personally appeared Phillip A. Beckett II, owner of the land, to me personally known to be the identical person whose signature is affixed hereto, and that they did acknowledge the execution thereof to be their voluntary act and deed, and that they are empowered to make the above dedication for and in behalf of said "Stuhr Acres Subdivision".

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

APPROVALS  
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 Hall County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2022.

Chairperson County Clerk

Approved and accepted by the City of Grand Island this \_\_\_\_ day of \_\_\_\_\_, 2022.

Mayor City Clerk

PROJECT NUMBER 22-LS-33 - DATE 05/11/2022  
DRAWN BY: E.A.J. - CHECKED BY: E.B.J.  
1203 14<sup>TH</sup> STREET, AURORA NE 68818  
PHONE 402-694-8703 - EMAIL ejasnowski@gmail.com

RESOLUTION 2022-168

WHEREAS know all men by these presents, that Phillip A. Beckett II, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "STUHR ACRES SUBDIVISION", A parcel of land located in the South one half of the Northwest Quarter (S ½ - NW ¼ ) of Section Thirty-Six (36) Township Twelve (12) North, Range Ten (10) West of the 6<sup>th</sup> P.M., 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 STUHR ACRES 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.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 28, 2022.

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

Attest:

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

Approved as to Form	☐ _____
June 24, 2022	☐ City Attorney