

# **City of Grand Island**

Tuesday, August 23, 2022 Council Session

# Item G-5

## #2022-219 - Approving Preliminary, Final Plat and Subdivision Agreement for Millennial Estate Subdivision

Staff Contact: Chad Nabity

# **Council Agenda Memo**

From:	Regional Planning Commission
Meeting:	August 23, 2022
Subject:	Millennial Estates Subdivision- Preliminary and Final Plat
Presenter(s):	Chad Nabity, AICP, Regional Planning Director

### **Background**

This property is located north of 13<sup>th</sup> Street west of the Moore's Creek Drainway. (Preliminary 120 lots, 1 out lot, 46.7 acres) (Final Plat 38 lots, 10.5.06 Acres). This property is zoned R2 Suburban Density Residential and R4 High Density Residential.

## **Discussion**

The revised preliminary plat for Millennial Estate Subdivision along with the final plat for Millennial Estates Second Subdivision was considered at the Regional Planning Commission at the August 3, 2022 meeting on the consent agenda.

A motion was made by Rainforth and second by Hendricksen to approve all items the consent agenda.

The motion was carried with eleven members voting in favor (Nelson, Allan, O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Hendricksen, Doane and Randone) and no members 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**

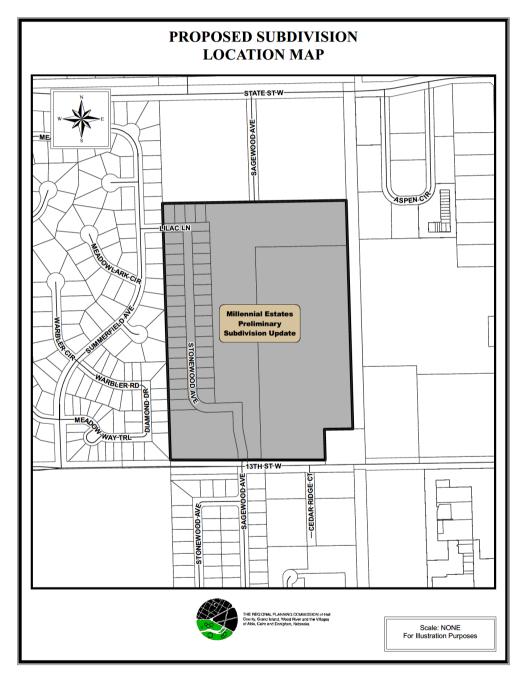
Move to approve as recommended.

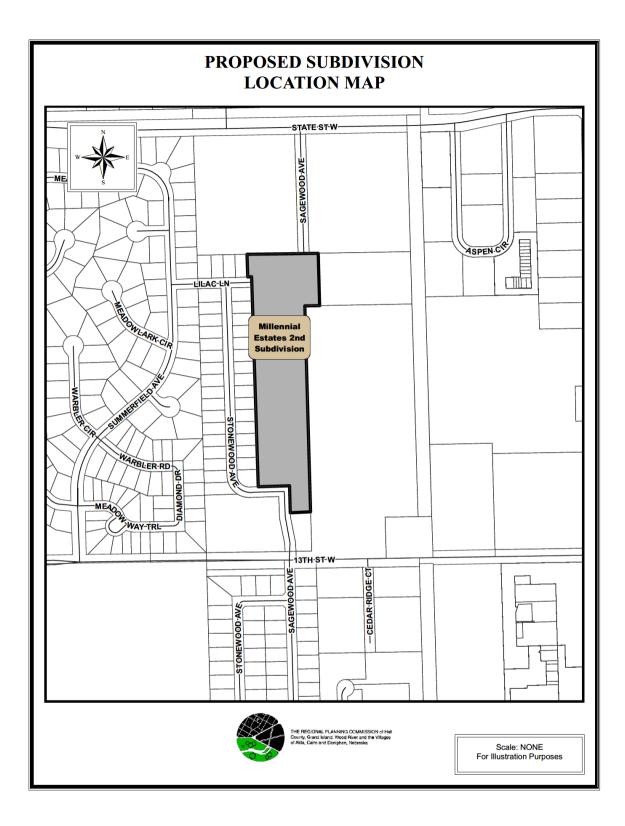
Developer/Owner Starostka Group Unlimited, Inc. 429 Industrial Lane Grand Island, NE 68803 To create Size: Preliminary Plat: 120 Lots 46.7 Acres, Final Plat 38 lots, 10.5.06 Acres Zoning: R2 Low Density Residential and R4 High Density Residential

**Road Access:** Proposed streets will be 32 foot streets this offset driveways and 34 foot streets that allow parking on both sides.

Water: City water is available to the subdivision.

Sewer: City sewer is available to the subdivision.





\* This Space Reserved for Register of Deeds \*

#### SUBDIVISION AGREEMENT

### MILLENNIAL ESTATES SECOND SUBDIVISION Lots 1-38 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, STAROSTKA GROUP UNLIMITED, INC., A Nebraska

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 TRACT OF LAND LOCATED IN PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2, SW1/4) OF SECTION TWELVE (12), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 22, MILLENNIAL ESTATES SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON A ASSUMED BEARING OF

S89°59'13"E. ON THE SOUTH LINE OF STARLITE SUBDIVISION, A DISTANCE OF 441.85 FEET; THENCE S00°35'44"E A DISTANCE OF 186.19 FEET; THENCE S89°19'31"W A DISTANCE OF 118.00 FEET; THENCE S00°35'44"E A DISTANCE OF 1161.67 FEET; THENCE N89°19'31"E A DISTANCE OF 39.00 FEET; THENCE S00°38'52"E A DISTANCE OF 181.90 FEET; THENCE S89°19'31"W A DISTANCE OF 155.31 FEET TO A POINT ON EXISTING EAST RIGHT-OF-WAY LINE THE OF SAGEWOOD AVENUE; THENCE N00°33'02"W, ON SAID EAST RIGHT-0F-WAY LINE. A DISTANCE OF 181.90 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF MEADOW ROAD; THENCE S89°19'31"W, ON SAID NORTH RIGHT-OF-WAY LINE OF MEADOW ROAD, A DISTANCE OF 181.76 FEET TO THE SOUTHEAST CORNER OF LOT 38, SAID MILLENNIAL ESTATES SUBDIVISION; THENCE N00°43'26"W, ON THE EAST LINE OF SAID MILLENNIAL ESTATES SUBDIVISION, A DISTANCE OF 1221.67 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF LILAC LANE; THENCE S89°08'52"W, ON SAID NORTH RIGHT-OF-WAY LINE OF LILAC LANE, A DISTANCE OF 23.06 FEET TO THE SOUTHEAST CORNER OF LOT 22, SAID MILLENNIAL ESTATES SUBDIVISION; THENCE N00°42'47"W, ON THE

## EAST LINE OF SAID LOT 22, A DISTANCE OF 131.57 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 457640.81 SQUARE FEET OR 10.506 ACRES MORE OR LESS OF WHICH 2.579 ACRES ARE NEW DEDICATED ROAD ROW.;

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 MELLENNIAL ESTATES SECOND 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 MILLENNIAL ESTATES SECOND 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 Lilac Lane, Meadow Road, and Sagewood Avenue 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 Lilac Lane, Meadow Road, and Sagewood Avenue, 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. The Subdivider shall notify City prior to any future work occurring on the existing storm pipes such that the internal condition of the pipes will be inspected by the City through use of video or other imaging equipment.. The Subdivider shall be responsible for paying for the portion of cleaning of these pipes based on change of condition of pipes from pre and post construction video, as required.

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 Requirement		
		Sidewalk	Waived by Council		

Meadow Road	Х	NO
Sagewood Avenue	Х	NO
Lilac Lane	Х	NO

6. **Driveways.** Driveways along the 32 foot sections of Sagewood Avenue shall be limited to the locations shown on the attached driveway exhibit as attached.

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 MILLENNIAL ESTATES SECOND 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.

STAROSTKA GROUP UNLIMITED, INC., Subdivider

By:

Danny Starostka, President

STATE OF NEBRASKA COUNTY OF HALL

On \_\_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Danny Starostka, President, Starostka Group Unlimited, Inc., a Nebraska 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 SSB Development, L.L.C.

WITNESS my hand and notarial seal the date above written.

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Notary Public

My commission expires:

CITY OF GRAND ISLAND, NEBRASKA A Municipal Corporation

By:

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

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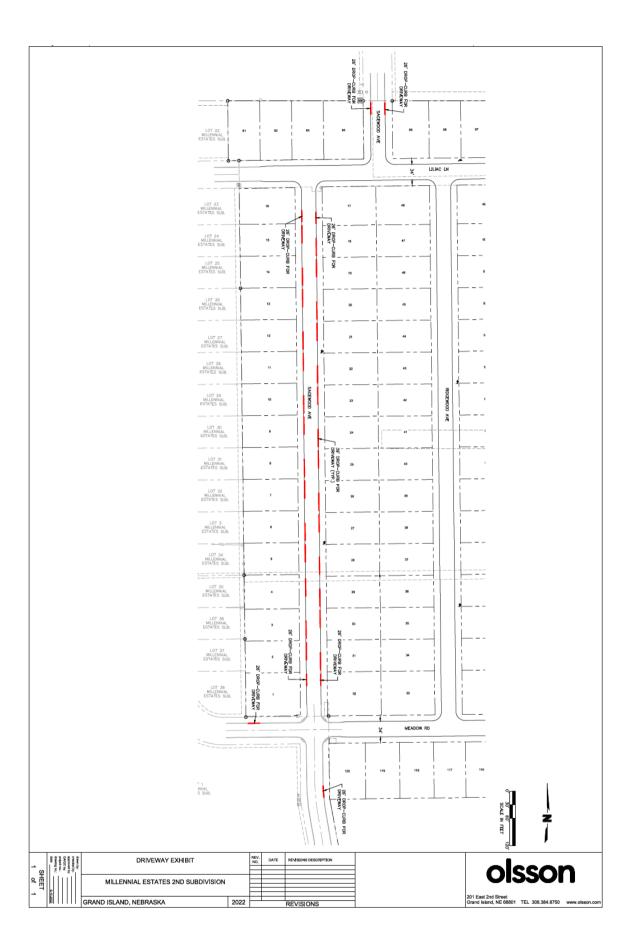
STATE OF NEBRASKA ) ) ss COUNTY OF HALL )

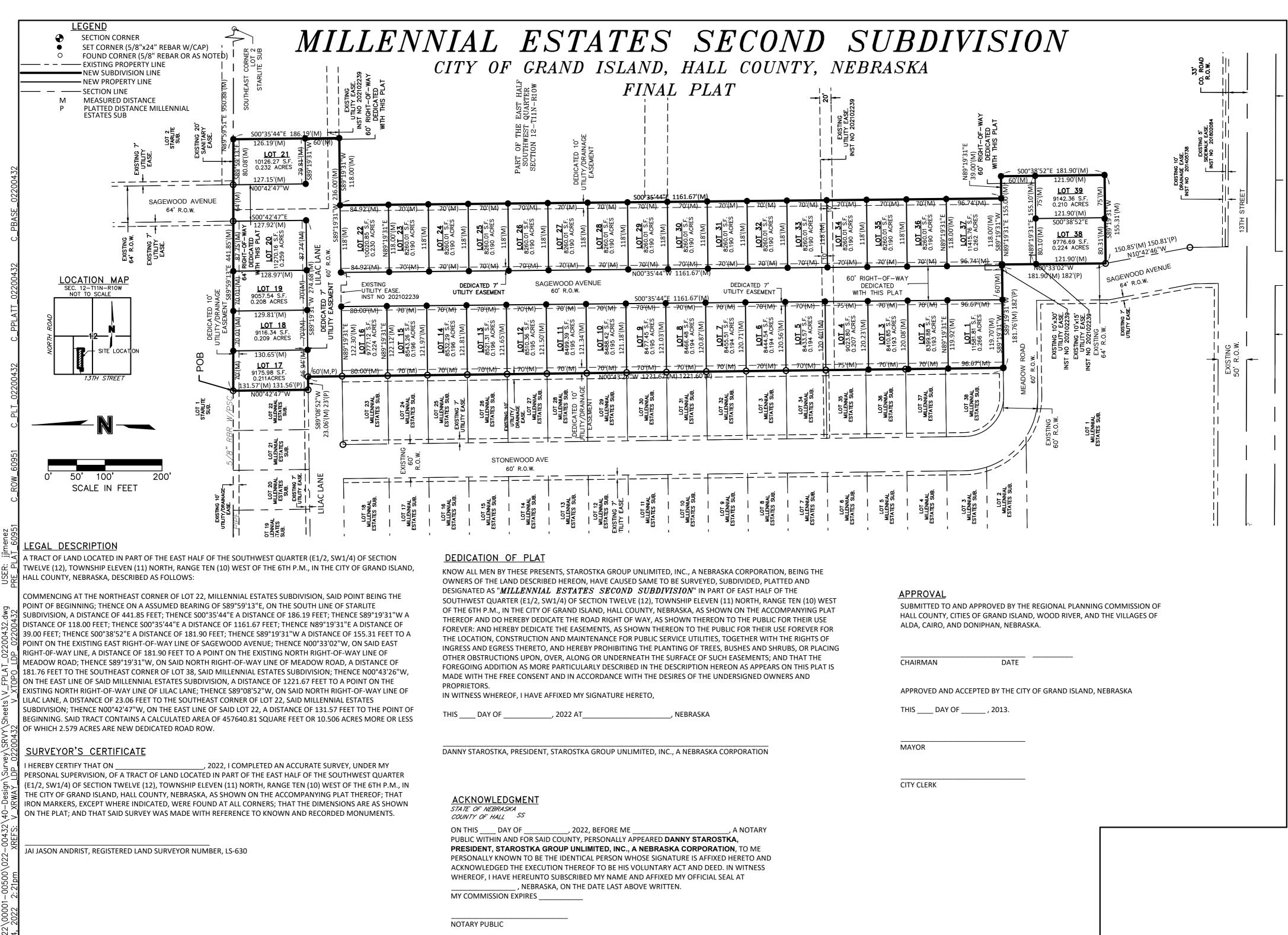
On \_\_\_\_\_\_, 2022, before me, the undersigned,, a Notary Public in and for said County and State, personally came Roger G. Steele, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement 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: \_\_\_\_\_

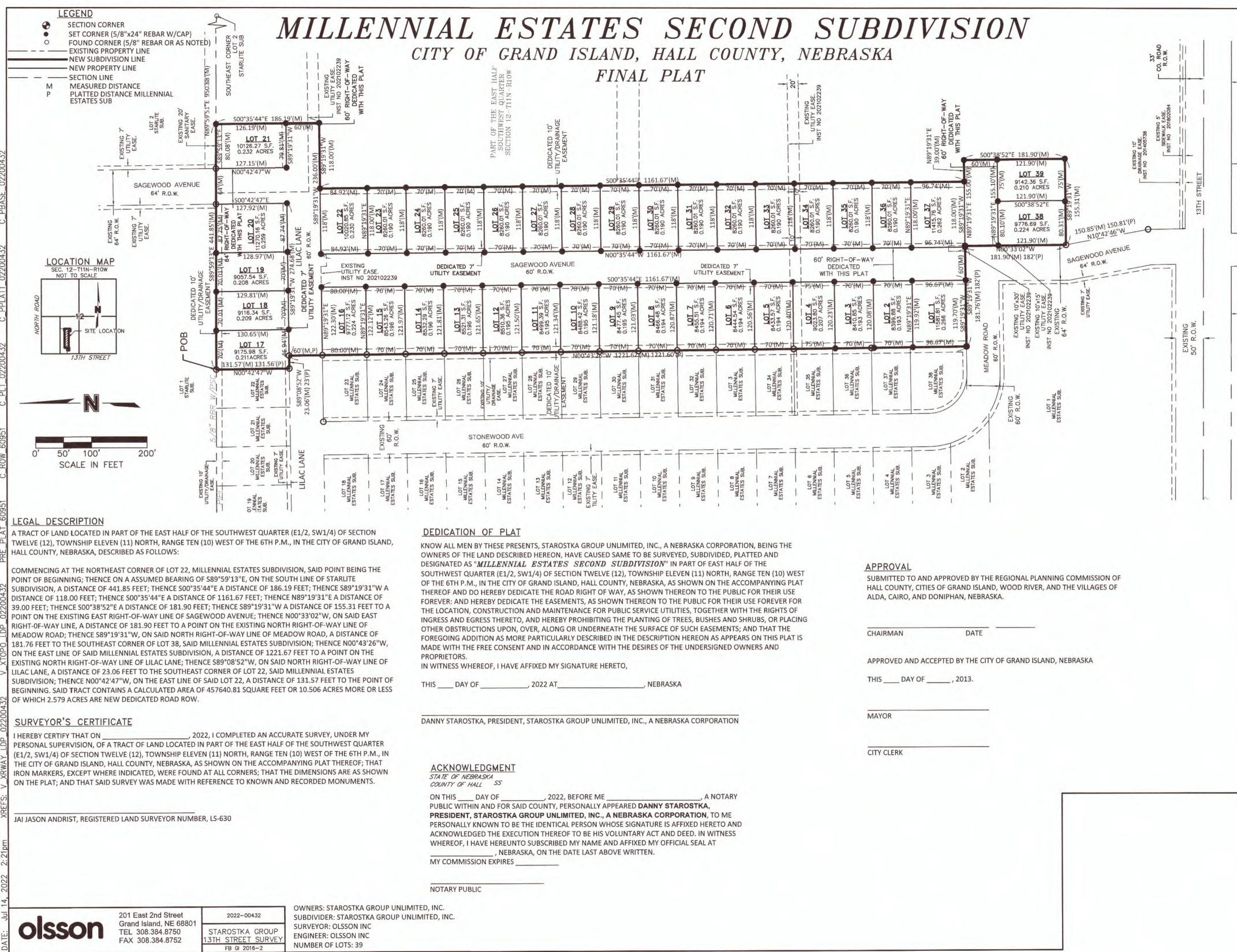




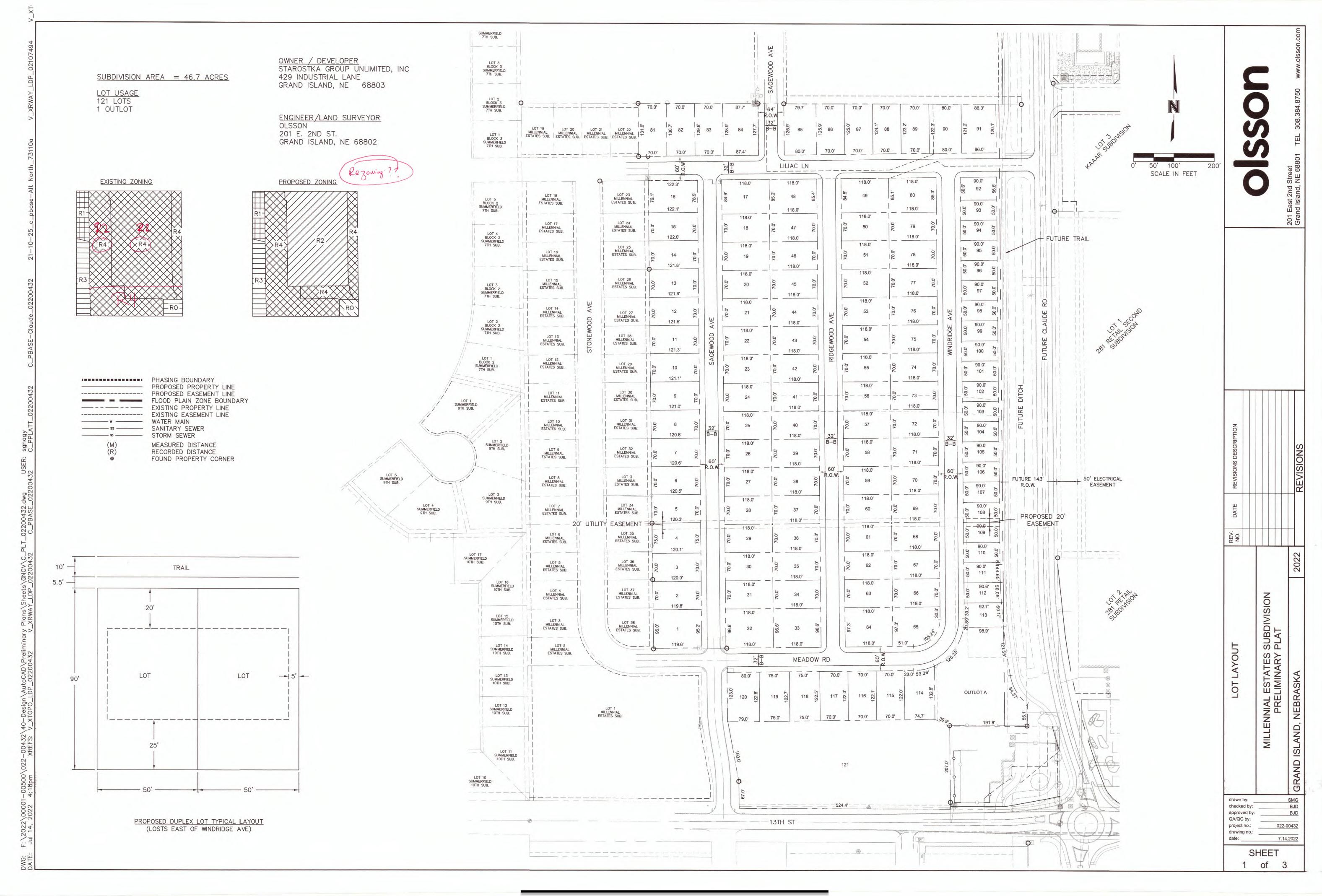
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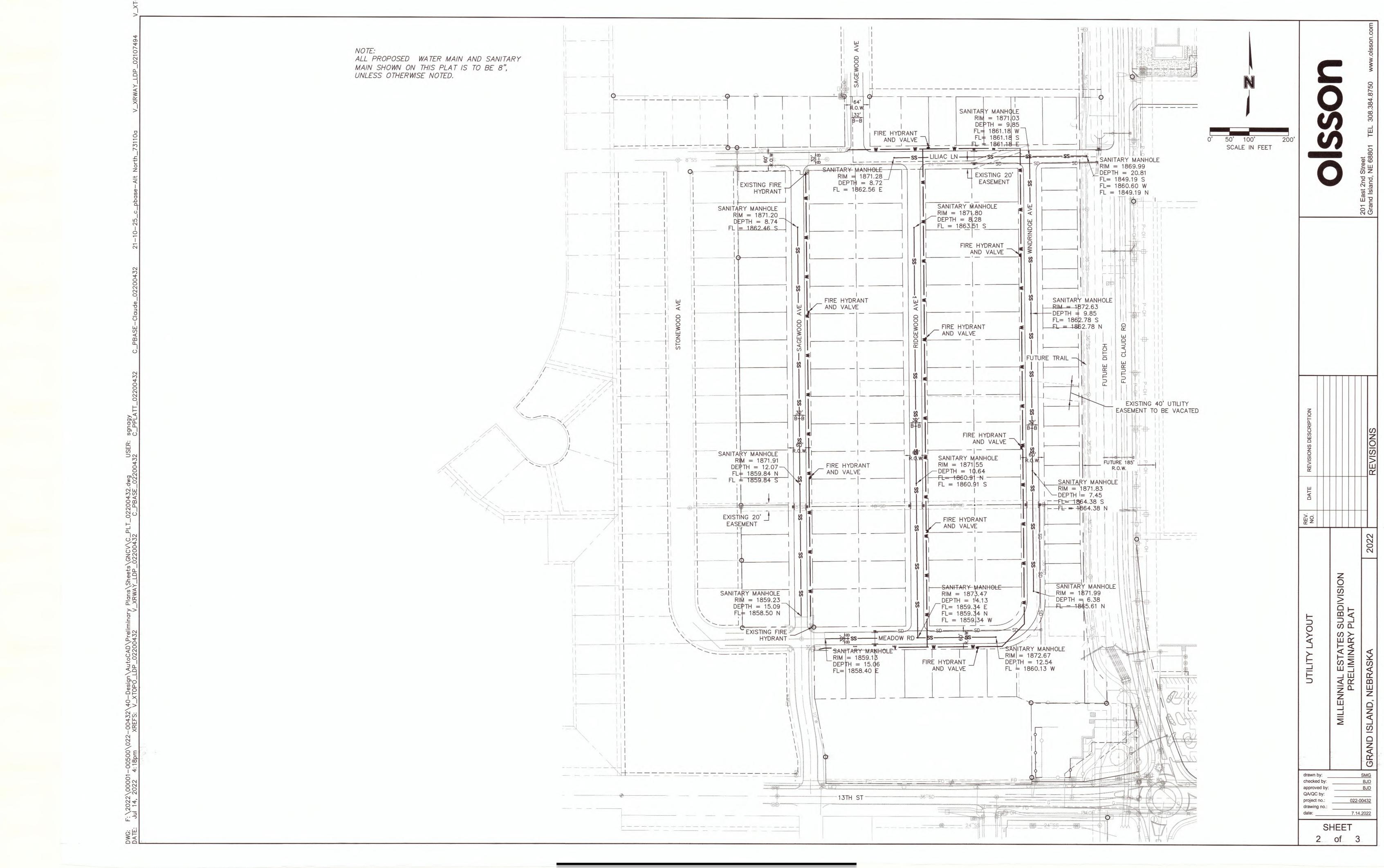
201 East 2nd Street 2022-00432 Grand Island, NE 68801 TEL 308.384.8750 STAROSTKA GROUP FAX 308.384.8752 13TH STREET SURVEY FB GI 2016-2

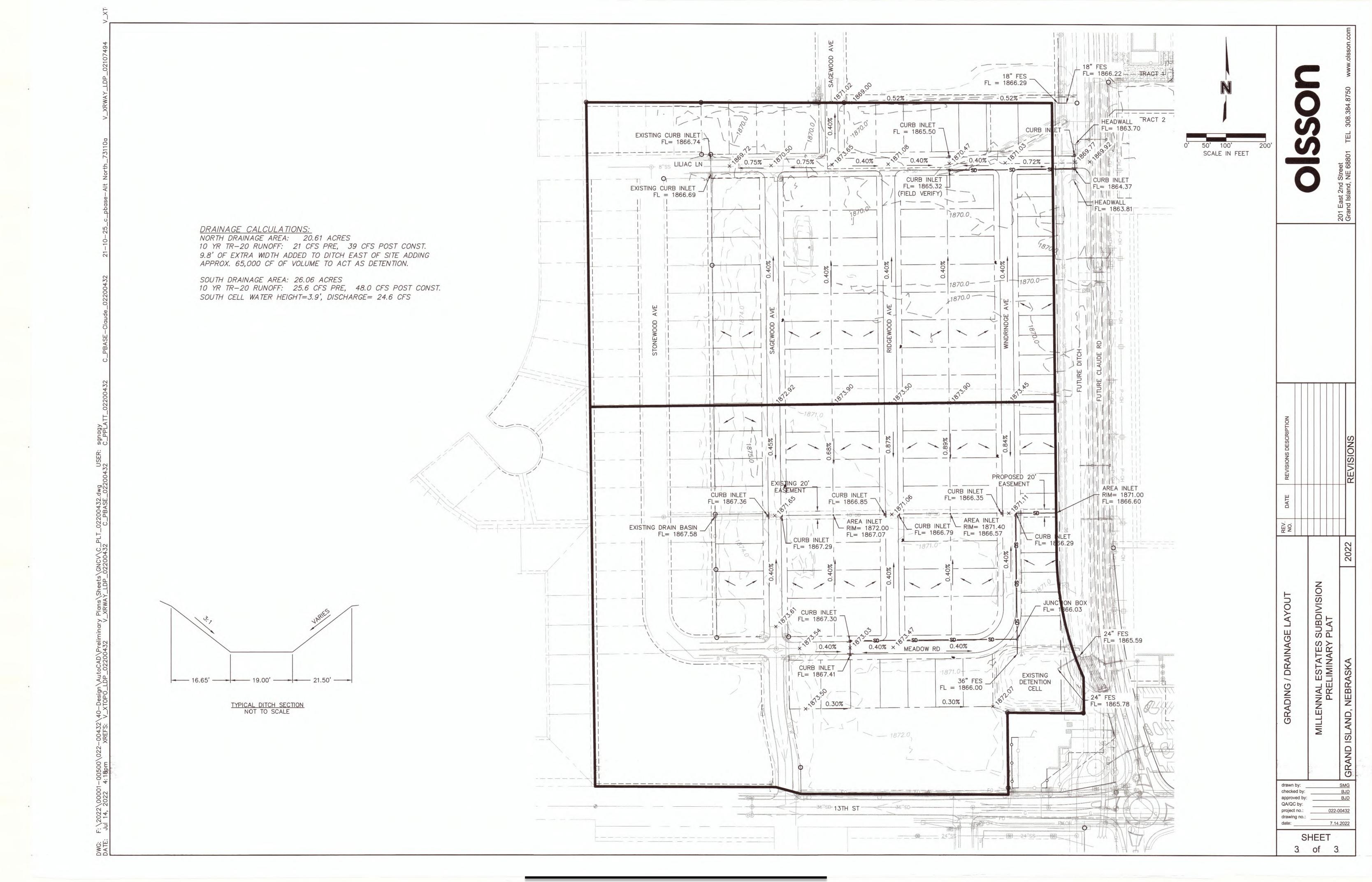
OWNERS: STAROSTKA GROUP UNLIMITED, INC. SUBDIVIDER: STAROSTKA GROUP UNLIMITED, INC. SURVEYOR: OLSSON INC ENGINEER: OLSSON INC NUMBER OF LOTS: 39

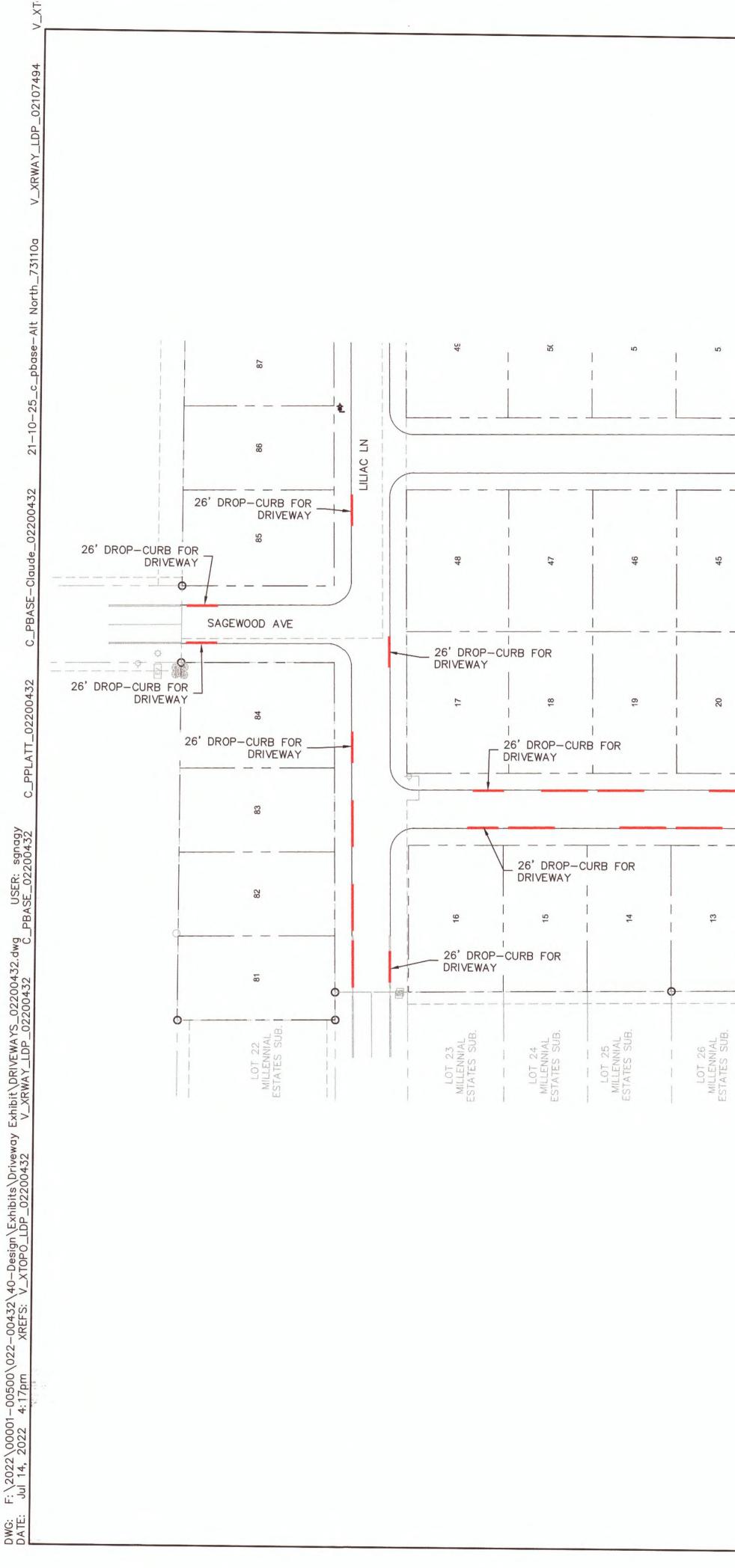




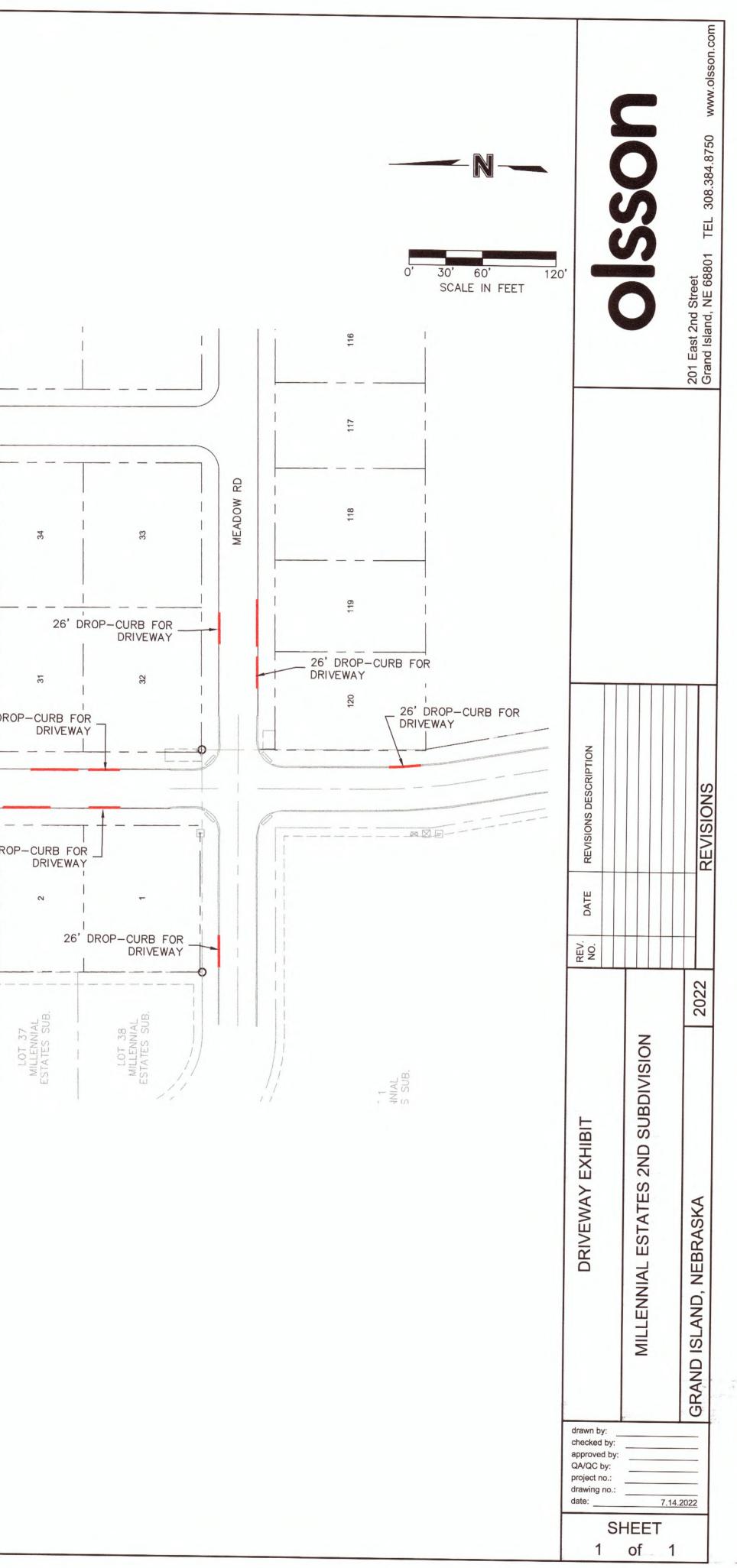








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#### RESOLUTION 2022-219

WHEREAS know all men by these presents, Starostka Group Unlimited, INC., A Nebraska Corporation, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "MILLENNIAL ESTATES SECOND SUBDIVISION", in part of East Half Quarter of the Southwest Quarter (E <sup>1</sup>/<sub>2</sub>, SW <sup>1</sup>/<sub>4</sub>) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> 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 MILLENNIAL ESTATES SECOND 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, August 23, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ¤\_\_\_\_\_ August 19, 2022 ¤ City Attorney