



City of Grand Island

Tuesday, October 11, 2022

Council Session

Item G-2

**#2022-278 - Approving Final Plat and Subdivision Agreement for
Legacy 34 Second Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: October 11, 2022

Subject: Legacy 34 Second Subdivision – Final Plat

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

Background

This property is located north of Husker Highway and west of Prairieview Street in the City of Grand Island, Nebraska. The Preliminary Plat for Legacy 34 Subdivision (304 Lots, 12 Outlots and 197.14 Acres) was approved in November of 2021. This final plat for Legacy 34 Second Subdivision (23 lots, 10 Outlots, 20.109 Acres). Legacy 34 Second Subdivision will be zoned RD – Residential Development Zone and CD Commercial Development Zone if approved.

Discussion

The preliminary plat for the whole property and final plat for Legacy 34 First Subdivision were considered at the Regional Planning Commission at the November 3, 2021 meeting during the discussion of the rezoning.

A motion was made by Hendricksen and second by Randone to approve the proposed rezoning and Final Plat of Legacy 34 Second Subdivision.

The motion was carried with ten members voting in favor (Nelson, O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Rubio, Hendricksen and Randone) and no members abstaining or voting no (Allan and Doane were absent).

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 and final plats as presented.

Sample Motion

Move to approve as recommended.

Developer/Owner

Innate Development 2 LLC
1201 Allen Dr. #240
Grand Island, NE 68803

To create

Size: Final Plat 23 lots 10 Outlots, 20.109 Acres

Zoning: RD – Residential Development Zone and CD Commercial Development Zone.

Road Access: Nyla Avenue will be a 37' concrete curb and gutter, public street. Weaver Street, Innate Land and Brecken Street will be a private street to be owned and maintained by the development.

Water: City Water is available to the subdivision and will be extended to all lots.

Sewer: City Sewer is available to the subdivision and will be extended to all lots.



LEGACY 34 SECOND SUBDIVISION
CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
FINAL PLAT

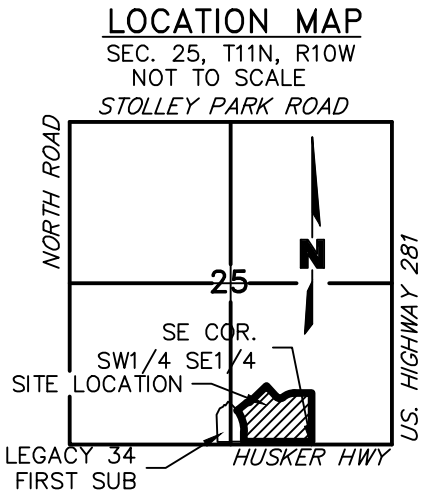
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION TWENTY-FIVE (25), 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 LEGACY 34 FIRST SUBDIVISION AND BEING THE INTERSECTION OF NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY AND THE EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°37'05"W, ALONG SAID EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, A DISTANCE OF 166.00 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 35°19' 00", HAVING A RADIUS OF 595.00 FEET, AND CHORD BEARING N18°16'35"W A CHORD DISTANCE OF 360.97 FEET; THENCE N50°27'30"E A DISTANCE OF 206.12 FEET; THENCE N80°27'30"E A DISTANCE OF 43.50 FEET; THENCE N45°34'52"E A DISTANCE OF 388.23 FEET; THENCE S42°52'32"E A DISTANCE OF 249.70 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 89°25'48", HAVING A RADIUS OF 70.00 FEET, AND CHORD BEARING S87°35'26"E A CHORD DISTANCE OF 98.50 FEET TO A CONTINUED POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 41°49'49", HAVING A RADIUS OF 285.00 FEET, AND CHORD BEARING N68°36'35"E A CHORD DISTANCE OF 203.48 FEET; THENCE N89°32'23"E A DISTANCE OF 284.12 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4); THENCE S00°28'30"E, ALONG SAID EAST LINE OF THE SW1/4, SE1/4, A DISTANCE OF 796.30 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY; THENCE S89°22'55"W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY, A DISTANCE OF 1112.70 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 875932.17 SQUARE FEET OR 20.109 ACRES MORE OR LESS OF WHICH 0.984 ACRES ARE NEW DEDICATED ROAD RIGHT-OF-WAY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON _____, 2022, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND CONSISTING OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

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



OWNERS: INNATE DEVELOPMENT 2, LLC
SUBDIVIDER: INNATE DEVELOPMENT 2, LLC
SURVEYOR: OLSSON
ENGINEER: OLSSON
NUMBER OF LOTS: 23 LOTS/ 10 OUTLOTS

DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT INNATE DEVELOPMENT 2, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "LEGACY 34 SECOND SUBDIVISION" IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, 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 HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE FOR PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS HERETO, AND THAT THE FOREGOING SUBDIVISION AS MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION HEREON AS APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

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

SCOTT P. RIEF, MANAGING MEMBER
INNATE DEVELOPMENT 2, LLC

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 SCOTT P. RIEF, MANAGING MEMBER, INNATE DEVELOPMENT 2, LLC , TO BE 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

SHEET 2 OF 2

olsson

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

PROJECT NO. 2022-01265
Legacy 34
Phase 2
FB

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

LEGACY 34 SECOND SUBDIVISION

LOTS 1-23 Inclusive and Outlots A-J Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, Innate Development 2 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:

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION TWENTY-FIVE (25), 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 LEGACY 34 FIRST SUBDIVISION AND BEING THE INTERSECTION OF NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY AND THE EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°37'05"W, ALONG SAID EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, A DISTANCE OF 166.00 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE

IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 35°19' 00", HAVING A RADIUS OF 595.00 FEET, AND CHORD BEARING N18°16'35"W A CHORD DISTANCE OF 360.97 FEET; THENCE N50°27'30"E A DISTANCE OF 206.12 FEET; THENCE N80°27'30"E A DISTANCE OF 43.50 FEET; THENCE N45°34'52"E A DISTANCE OF 388.23 FEET; THENCE S42°52'32"E A DISTANCE OF 249.70 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 89°25'48", HAVING A RADIUS OF 70.00 FEET, AND CHORD BEARING S87°35'26"E A CHORD DISTANCE OF 98.50 FEET TO A CONTINUED POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 41°49'49", HAVING A RADIUS OF 285.00 FEET, AND CHORD BEARING N68°36'35"E A CHORD DISTANCE OF 203.48 FEET; THENCE N89°32'23"E A DISTANCE OF 284.12 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4); THENCE S00°28'30"E, ALONG SAID EAST LINE OF THE SW1/4, SE1/4, A DISTANCE OF 796.30 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY; THENCE S89°22'55"W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY, A DISTANCE OF 1112.70 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 875932.17 SQUARE FEET OR 20.109 ACRES MORE OR LESS OF WHICH 0.984 ACRES ARE NEW DEDICATED ROAD RIGHT-OF-WAY.

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 LEGACY 34 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 LEGACY 34 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. **Residential and Commercial Development Zone.** This subdivision is within a designated Residential Development Zone and Commercial Development Zone and shall be regulated in accordance with Chapter 36 of the Grand Island City Code. A Development Plan as attached hereto and incorporated herein by reference is hereby approved for such Subdivision. Any amendments to such Development Plan shall be approved by the City of Grand Island in accordance with the Grand Island City Code. The official Development Plan shall be on file with the City's Planning Department.

2. **Paving.** The Subdivider agrees to pave Nyla 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 Nyla Street, the City may create a paving district to perform such work. The Subdivider agrees to waive the right to object to the creation of any paving district for Husker Highway where it abuts the subdivision.

The Subdivider agrees that Weaver Street, Innate Lane and Brecken Street are private streets that provide access to the adjoining properties. The developer or owners association is responsible for all maintenance and snow removal on Weaver Street, Innate Lane and Brecken Street.

3. **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.

4. **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.

5. **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.

6. **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	Hike/Bike Trail
Nyla Street		x	

7. **Electric.** The Subdivider agrees to install all conduit, both primary and secondary, as well as all necessary transformer pads in the subdivision in accordance with plans and specifications approved by the Utilities Department, and subject to the City's inspection.

8. **Landscaping.** The Subdivider agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island, and plans as submitted to and approved by the City's Building Department.

9. **Outlots.** Subdivider, its successors, assigns, heirs, devisees, and legatees, and any subsequent owners of any Lot shall have a perpetual right of ingress/egress to Outlots A-J inclusive for the purpose of fire company operations, parking access including but not limited to parking stalls, access to common green spaces, access for the purpose of surveying, constructing, inspecting, maintaining, repairing, replacing, relocating, extending, removing and operating private utilities, including but not limited to –electric, water, sewer, storm sewer, telecommunication, data and items incidental or related thereto which may be under, upon or over Outlots A-J inclusive which shall be completed at the expense of the benefitted Lot Owners. Additionally, the benefitted Lot Owners shall be responsible for restoring Outlots A-J inclusive to its condition as it existed prior to such construction, replacement, maintenance or repairs.

10. **Design and Construction.** No building shall be constructed except within the Building Envelope Areas as defined on the Development Plan. The buildings to be constructed shall be consistent with the designs approved with the development plan including 150 units of apartments in three story buildings with 10 units per building as shown in the attached development plan and attached elevations and floor plans and four carriage houses with one dwelling unit in each carriage house. No portion of any building constructed (including architectural features) shall exceed a height of 50 feet above the center of the street at the midpoint of the front property line. The subdivider further agrees that no buildings shall be constructed on lots 1, 23 and 24 (CD Commercial Development Zone) without approval of building layout and design through an amendment to the CD Zone approved by the City Council.

11. **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.

12. **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.

13. **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 LEGACY 34 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.

14. **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 or Outlots 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.

INNATE DEVELOPMENT 2., A
NEBRASKA LIMITED LIABILITY
COMPANY, Subdivider

By: _____
Scott P. Rief, Managing Member

STATE OF NEBRASKA)
COUNTY OF HALL) ss

On _____, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Scott P. Rief, Managing Member of Innate Development 2, 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 Innate Development 2, L.L.C.

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: _____

[illegible]

RESOLUTION 2022-278

WHEREAS know all men by these presents, that “Innate Development 2 , LLC, A Nebraska Limited Liability Company, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “LEGACY 34 SECOND SUBDIVISION”, A tract of land located in part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) Of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West of the 6TH P.M., In The City of Grand Island, Hall County, Nebraska; and

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 LEGACY 34 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.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 11, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 6, 2022	☐ City Attorney