



City of Grand Island

Tuesday, January 24, 2023

Council Session

Item G-4

#2023-17 - Approving Final Plat and Subdivision Agreement for Ben R Davis Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: January 24, 2023

Subject: Ben R. Davis Subdivision - Final Plat

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

Background

This property is located south of Anderson Avenue and east of Pine Street in Grand Island. This splits an existing half lot into two lots that both conform to the zoning regulations. The property is zoned R3 Medium Density Residential Zone. (2 Lots, .31 Acres)

Discussion

The final plat for Ben R Davis Subdivision was considered at the Regional Planning Commission at the January 11, 2023 meeting on the consent agenda.

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

The motion was carried with ten members voting in favor (Allan, Nelson, Ruge, Robb, Monter, Rainforth, Rubio and Doane) and no members abstaining or voting no (Hendricksen 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 final plat as presented.

Sample Motion

Move to approve the final plat and subdivision agreement for the Ben R. Davis Subdivision as recommended.

Developer/Owner

LBE Family Limited Partnership
3280 Woodridge Blvd Ste 160
Grand Island, NE 68801

To create one additional lot

Size: Final Plat 2 lots, .31 Acres

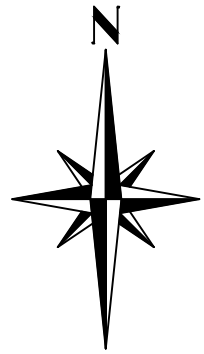
Zoning: R3 Medium Density Residential Zone

Road Access: Vine street is a paved city street.

Water: City water is available to the subdivision.

Sewer: City sewer is available to the subdivision.

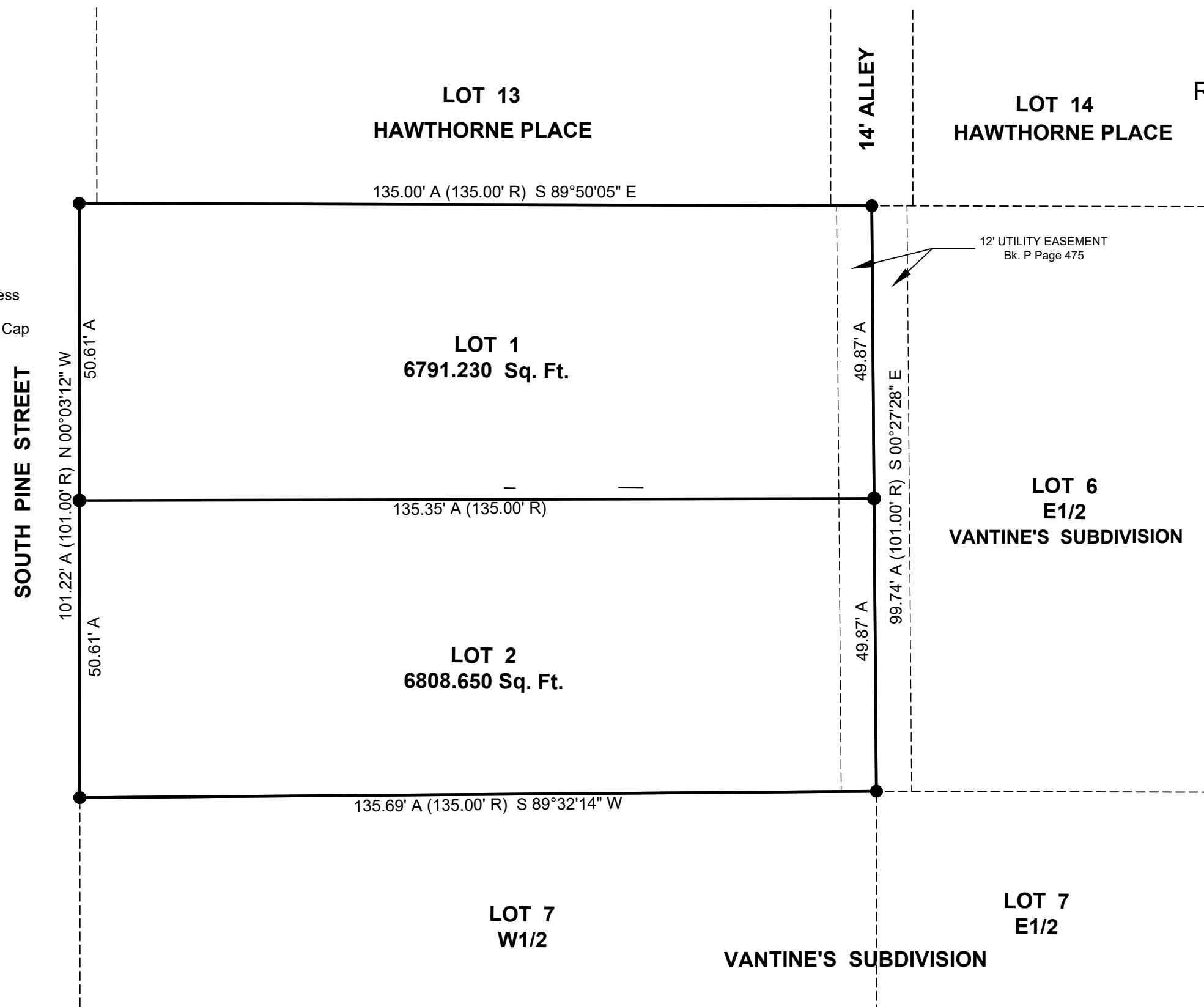




Scale 1" = 20'

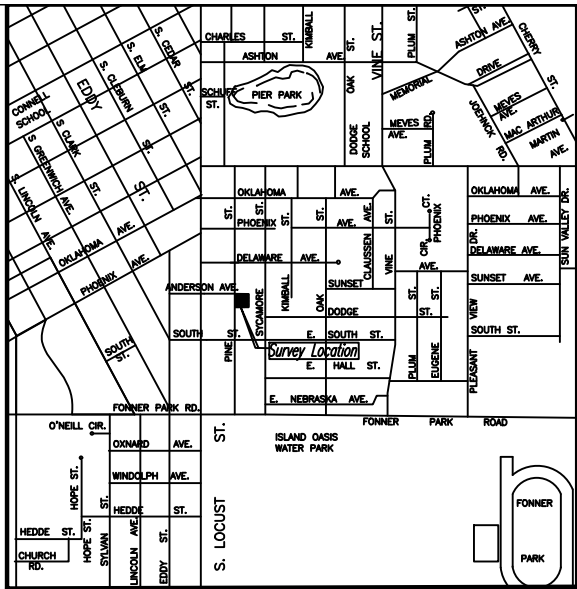
Legend

- - Corner Found 1/2" Pipe Unless Otherwise Noted
- - 1/2 Rebar Placed W/Survey Cap Unless Otherwise Noted
- ⬤ - Temporary Point
- All Distances on Curves are Chord Distance
- R - Recorded Distance
- A- Actual Distance
- P- Prorated Distance



BEN R. DAVIS SUBDIVISION

Replat of W1/2 Lot 6 Vantine's Subdivision to the City of Grand Island, Hall County, Nebraska.



Location Sketch

SURVEYORS CERTIFICATE

I hereby certify that on December 8, 2022, I completed an accurate survey of 'BEN R. DAVIS SUBDIVISION', in Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof are well and accurately staked off and marked; that iron markers were placed at all lot corners; that the dimensions of each lot are as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.



Brent D Cyboron
Nebraska Professional Registered Land Surveyor No. 727

APPROVALS

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island and Wood River, and The Villages of Alda, Cairo, and Doniphan, Nebraska

Chairman _____ Date _____
Approved and accepted by the City of Grand Island, Hall County, Nebraska
this _____ Day of _____, 20____

Mayor _____ City Clerk _____

LEGAL DESCRIPTION
The West Half of Lot 6, Vantine's Subdivision in the City of Grand Island, Hall County, Nebraska.

DEDICATION
KNOW ALL MEN BY THESE PRESENTS, that Lonnie D Davis, General Partner of, LBE Family Limited Partnership, and being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as 'BEN R. DAVIS SUBDIVISION' in the City of Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, 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 obstructions upon, over, along or underneath the surface of such easements; 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 owner and proprietor.
IN WITNESS WHEREOF, I have affixed my signature hereto, at Grand Island, Nebraska.

Lonnie D. Davis - General Partner
Date _____

ACKNOWLEDEGEMENT
State of Nebraska
County of Hall SS
On the ____ day of _____, 20____, before me _____ a Notary Public within and for said County, personally appeared Lonnie D. Davis - General Partner, LBE Family Limited Partnership convey to GRANTEES, and to me personally known to be the identical person whose signature is affixed hereto, and that he did acknowledge 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 Grand Island, Nebraska, on the date last above written.
My commission expires _____, 20____

Notary Public

INITIAL POINT SURVEYING LLC
1811 W 2nd Street; Suite 280
Grand Island, NE 68803
308-383-6754 Cell
308-675-4141 Office

LOCATION:
Ben R. Davis Subdivision

TITLE:
Grand Island, Nebraska

SCALE AT AS:
1" = 20'

DATE:
12/14/2022

DRAWN:
Brent C.

PAGE:
1 OF 1

DRAWING NO:

REVISION:
1/10/2023

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

BEN R. DAVIS SUBDIVISION

Lots 1 and 2 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, LBE FAMILY a Limited Partnership 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:

Replat of W1/2 of Lot 6 Vantine's Subdivision in the City of Grand

Island, Hall County, Nebraska.;

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 BEN R. DAVIS 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 BEN R. DAVIS 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 Pine Street where it abuts the subdivision.

2. **Water.** Public water supply is available to the subdivision, and all new structures requiring service shall be connected to such water supply.

3. **Sanitary Sewer.** Public sanitary sewer is available to the subdivision, and all new structures requiring service shall be connected to such sanitary sewer supply.

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.** The Subdivider shall maintain all public sidewalks required by the City of Grand Island.

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 BEN R. DAVIS 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 _____, 2023.

LBE FAMILY, Limited Partnership
Subdivider

By: _____
Lonnie Davis, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2023, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Lonnie Davis, Managing Member of LBE Family, Limited Partnership, 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 LBE Family, Limited Partnership.

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 _____, 2023, 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 2023-____, 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 2023-17

WHEREAS know all men by these presents, that “LBE Family Limited Partnership, being the owner of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as “BEN R. DAVIS SUBDIVISION”, A Replat of W ½ Lot 6 Vantine’s Subdivision to 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; and

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 BEN R. DAVIS 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, January 24, 2023.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 20, 2023	☐ City Attorney