



City of Grand Island

Tuesday, March 11, 2014

Council Session

Item G-3

**#2014-40 - Approving Final Plat and Subdivision Agreement for
ALR Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: March 11, 2014

Subject: ALR Subdivision - Final Plat

Item #'s: G-3

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

Background

This property is located east of Webb Road and south of west North Front Street in the City of Grand Island, in Hall County, Nebraska. Consisting of (2 Lots) and 2.077 acres.

Discussion

The final plat for ALR Subdivision Final Plat was considered by the Regional Planning Commission at the February 5, 2014 meeting.

The proposed south lot of this development does not have access to a public street. The City of Grand Island Utilities department owns the lot between this property and Webb Road. The City of Grand Island has previously granted drive access across this lot to facilitate the development of the adjoining lots. (See the property south of here including the old Hill Furniture store, Charter Offices and the Axford building.) The developer has had a traffic impact study conducted and the Engineering Division of Public Works has agreed that the addition of this drive access at this location is unlikely to create any significant issues. A statement has been added under paragraph 8 of the attached subdivision agreement that notifies future owners of the traffic generation that can occur at this location without negatively impacting Webb Road. Most uses allowed in the B1 zoning district would be unlikely to generate larger volumes of traffic.

The agreement also specifically authorizes the Grand Island Building Department to issue building permits for lot two based on the access to Webb Road granted by the City.

Finally this agreement creates the access easement across city owned property that will allow the development of lot two.

A motion was made by Bredthauer and seconded by Reynolds to approve the plat as presented.

A roll call vote was taken and the motion passed with 7 members present and voting in favor (McCarty, O'Neill, Reynolds, Vincent, Heckman, Haskins and Bredthauer) and no one voting against.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

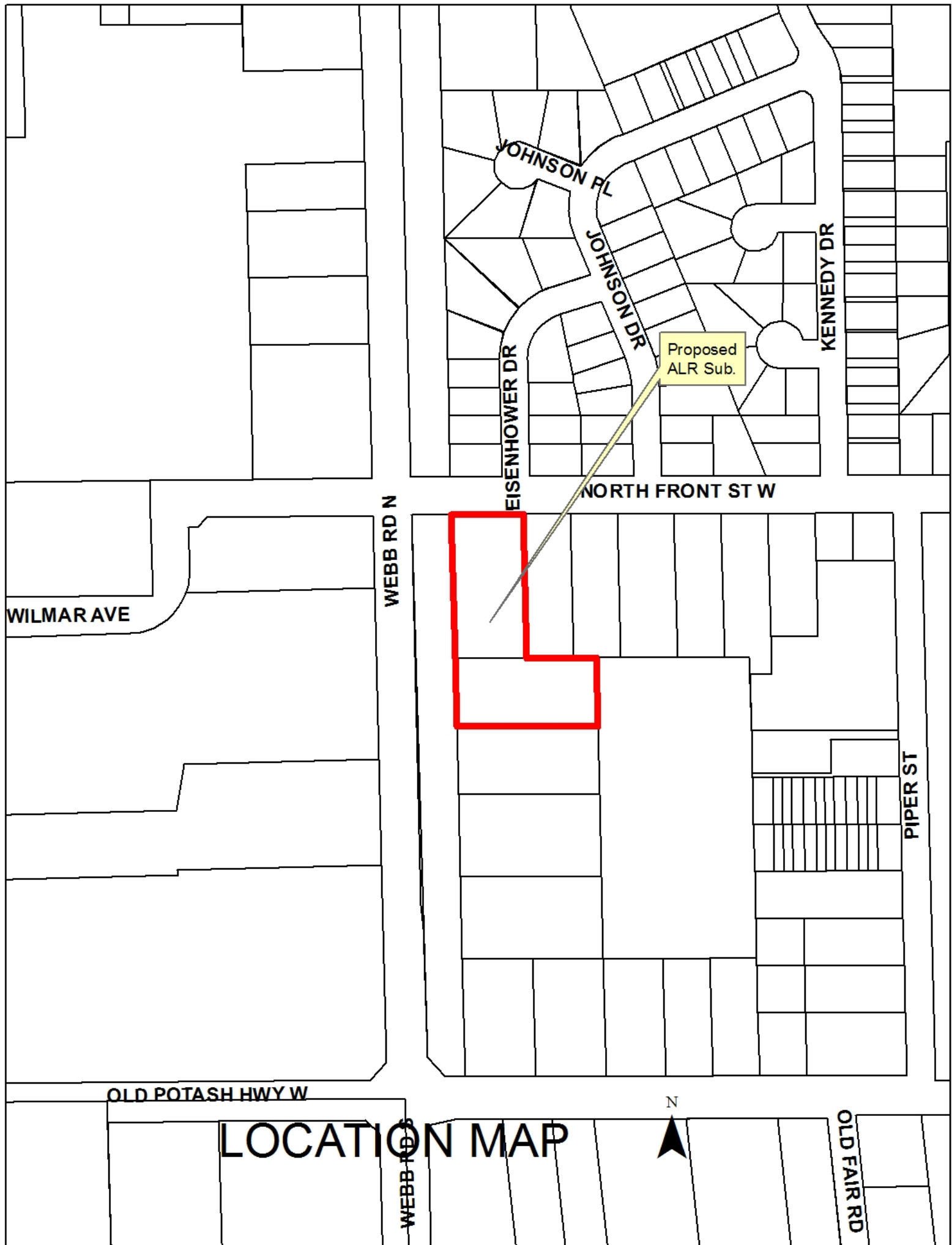
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue
- 5.

Recommendation

City Administration recommends that the Council approve the final plat as presented.

Sample Motion

Move to approve as recommended.



ALR Enterprises, LLC
Developer/Owner

ALR Enterprises, LLC
Andrew L Rathgen, Managing Member
4135 Indianhead Drive
Grand Island NE 68803

To create 2 lots located east of Webb Road and south of west North Front Street in the City of Grand Island, in Hall County, Nebraska.

Size: 2.077 acres

Zoning: B2 – General Business Zone

Road Access: City Roads

Water Public: City water will be available as extension will be required with this subdivision

Sewer Public: City sewer is available.



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

ALR SUBDIVISION (Lots 1 and 2)

In the City of Grand Island, Nebraska

The undersigned, ALR ENTERPRISES, L.L.C., A Nebraska Limited Liability Company, hereinafter called the Subdivider, as owner of a tract of land comprising all of Lot Nineteen (19), Warren Subdivision, and the North Half (N½) of Lot One (1), DRD Subdivision, all in the City of Grand Island, Hall County, Nebraska, said tract containing 2.077 acres more or less;

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 ALR 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 ALR 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 North Front Street where it abuts the subdivision.

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. Water may be extended from Webb Road across property owned by the Grand Island Utilities department only within the easement dedicated for access to this property from Webb Road.

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. Sanitary sewer to serve Lot Two (2) must be extended across the South One-Half (S½) of Lot One (1) of DRD subdivision at the owners expense prior to building on this lot.

4. **Storm Drainage.** The Subdivider agrees to provide and maintain positive drainage from all lots. Storm drainage from Lot Two (2) shall be conveyed to the detention cell to the east according to plans approved by the Director of Public Works.

5. **Sidewalks.** The Subdivider shall maintain all public sidewalks required by the City of Grand Island on Lot One (1). As Lot Two (2) does not front on a public street sidewalks are not required. If the sidewalks adjacent to Webb Road are damaged as a result of construction on Lot Two (2) the Subdivider agrees to repair any such damages.

6. **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. The westerly line of Lot Two (2) shall be considered a street frontage for landscaping purposes.

7. **Accessory Structure.** The Subdivider agrees that the accessory structure on Lot Two (2) shall be removed or made compliant by the issuance of a permit for a principal structure on or before October 31, 2014 or One Hundred Eighty (180) days from the date of filing of this agreement if that date falls after October 31, 2014.

8. **Traffic Impacts and Required Street Improvements.** The Subdivider will not object to necessary street improvement projects to mitigate the traffic impacts of the driveway permitted with this agreement on Webb Road if and when the traffic at the drive way on Lot Two (2) exceeds the following average trip traffic counts:

Average Daily Trips 753
Average AM Peak Hour Trips: 116
Average PM Peak Hour Trips: 46

9. **Curb Cut and Easement.** The City grants approval for a curb cut on the

east side of North Webb Road, Thirty (30) feet in length and centered at a location approximately Three Hundred Twenty-Five (325) feet south of the northwest corner of Lot Six (6), Webb Road Subdivision to the City of Grand Island, Hall County, Nebraska, and City shall grant to Subdivider an easement for ingress and egress across said Lot Six (6), Webb Road Subdivision as set forth in Exhibit A, attached hereto. Granting this easement shall be considered approval by the Grand Island City Council for issuance of building permits on Lot Two (2) as required by City Code as this lot does not front onto a public way or approved private street.

10. **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.

11. **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.

12. **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 ALR 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.

13. **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 _____, 2014.

ALR ENTERPRISES, L.L.C., A
NEBRASKA LIMITED LIABILITY
COMPANY, Subdivider

By: _____
Andrew L. Rathjen, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Andrew J. Rathjen, Managing Member of ALR Enterprises 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 ALR Enterprises, 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

Jay Vavricek, Mayor By: _____

Attest: _____

RaNae Edwards, City Clerk

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2014, before me, the undersigned,, a Notary Public in and for said County and State, personally came Jay Vavricek, 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 2014-____, 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: _____

(RETURN TO: Jerom E. Janulewicz, PO Box 2300, Grand Island, NE 68802)

EASEMENT

The City of Grand Island, Nebraska, a municipal corporation, as Grantor, for one dollar (\$1.00) consideration, receipt of which is hereby acknowledged, hereby grants and conveys to ALR Enterprises, LLC, a Nebraska limited liability company, as Grantee, a permanent and perpetual easement to construct, operate, and maintain a driveway in, upon, and over Lot Six (6), Webb Road Subdivision to the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Fifteen (15) feet on each side of a line being three hundred twenty-five (325) feet south of and parallel to the north line of Lot Six (6), Webb Road Subdivision to the City of Grand Island, Hall County, Nebraska.

It is understood and agreed that the Grantee may construct such driveway for ingress and egress purposes to Lot Two (2), ALR Subdivision to the City of Grand Island, Hall County, Nebraska, the construction of such driveway to be performed pursuant to specifications approved by Grantor's Director of Public Works. The Grantor agrees to restore the surface of the Grantee's driveway, at no expense to Grantee, if the surface of the Grantee's driveway is disrupted as a result of the Grantor's maintenance, repair or construction of any city utilities in the driveway area.

For further consideration of the Grantor granting to the Grantee the easement described above, the Grantee agrees to maintain at its expense the grass and foliage upon that part of Lot Six (6), Webb Road Subdivision, adjacent to Lot Two (2), ALR Subdivision, and for that purpose the Grantor hereby grants the Grantee an easement to go upon Lot Six (6) Webb Road Subdivision, for the exercise of such rights and obligations.

The Grantor hereby covenants that the easement hereby granted shall run with the title to such tract of land and shall be binding upon the Grantee, its successors and assigns.

City of Grand Island, Nebraska

By: _____
Jay Vavricek, Mayor

[attest]

RaNae Edwards, City Clerk

STATE OF NEBRASKA)
) ss.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Jay Vavricek, Mayor, on behalf of said City of Grand Island, Nebraska.

Notary Public

North Front Street

LEGEND

- Indicates 1/2" Iron Pipe Found Unless Otherwise Noted
- Indicates 1/2" Iron Pipe w/Survey Cap Placed Unless Otherwise Noted
- A-Indicates ACTUAL Distance
- R-Indicates RECORDED Distance

Scale: 1" = 50'

Webb Road

Subdivision

Webb Road

Webb Road

Subdivision

Warren

Subdivision

Lot 1
(0.782 Ac.)

Lot 18

Lot 17

Lot 2
(1.295 Ac.)

DRD

S 1/2 Lot 1

Subdivision

Lot 2

Surveyor's Certificate

I hereby certify that on January 4, 2014, I completed an accurate survey of 'ALR SUBDIVISION', in the City of Grand Island, 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.

(Seal) Deryl D. Sorgentfrei, Reg. Land Surveyor No. 578

Approvals

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

Chairman

Date

Approved and accepted by the City of Grand Island, Nebraska, this _____ day of _____, 2014.

Mayor

City Clerk

(Seal)

ALR SUBDIVISION
IN THE CITY OF GRAND ISLAND, NEBRASKA

ROCKWELL AND ASSOC. L.L.C. - ENGINEERING & SURVEYING - GRAND ISLAND, NEBRASKA

Sheet No. 1 Of 1

Legal Description

A tract of land comprising all of Lot Nineteen (19), Warren Subdivision and the North Half of Lot One (1), DRD Subdivision, all in the City of Grand Island, Hall County, Nebraska, said tract containing 2.077 acres more or less.

Dedication

KNOW ALL MEN BY THESE PRESENTS, that, ALR ENTERPRISES, L.L.C., a Nebraska Limited Liability Company, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as 'ALR SUBDIVISION' in the City of Grand Island, 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, this _____ day of _____, 2014.

ALR ENTERPRISES, L.L.C., a Nebraska Limited Liability Company

Andrew L. Rathjen, Managing Member

Acknowledgement

State Of Nebraska ss
County Of Hall

On the _____ day of _____, 2014, before me, a Notary Public within and for said County, personally appeared ANDREW L. RATHJEN, Managing Member of ALR ENTERPRISES, L.L.C., a Nebraska Limited Liability Company, 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 and the voluntary act and deed of said Company and the he was empowered to make the above dedication for and in behalf of said Company.

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 _____.

Notary Public

(Seal)

R E S O L U T I O N 2014-40

WHEREAS, ALR Enterprises, 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 ALR SUBDIVISION, to be laid out into 2 lots on a tract of land comprising all of Lot Nineteen (19), Warren Subdivision and the North Half of Lot One (1), DED Subdivision, all in the City Of Grand Island, in Hall County, Nebraska, said tract containing 2.077 acres, and has caused a plat thereof to be acknowledged by it; 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 hereinbefore 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 ALR 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, March 11, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 7, 2014	☐ City Attorney