



# City of Grand Island

Tuesday, September 23, 2014

Council Session

## Item G-4

**#2014-294 - Approving Final Plat and Subdivision Agreement for Skag-Way Third Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** September 23, 2014  
**Subject:** Skag-Way 3rd Subdivision – Final Plat  
**Item #'s:** G-4  
**Presenter(s):** Chad Nability AICP, Regional Planning Director

## Background

This property is located north of State Street and east of Broadwell Ave., in the City of Grand Island, in Hall County, Nebraska. Consisting of (2 Lots) and 12.01 acres.

## Discussion

The plat for Skag-Way 3rd Subdivision Final Plat was considered by the Regional Planning Commission at the September 3, 2014 meeting.

The attached subdivision agreement includes a number of non-standard items to layout a process and understanding between the developer and the City regarding redevelopment of this site.

A motion was made by Hayes and seconded by Heckman to approve the plat as presented.

A roll call vote was taken and the motion passed with 8 members present and voting in favor (O'Neill, Ruge, Hayes, Reynolds, Heckman, Huisman, Bredthauer and Connelly) and no members 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

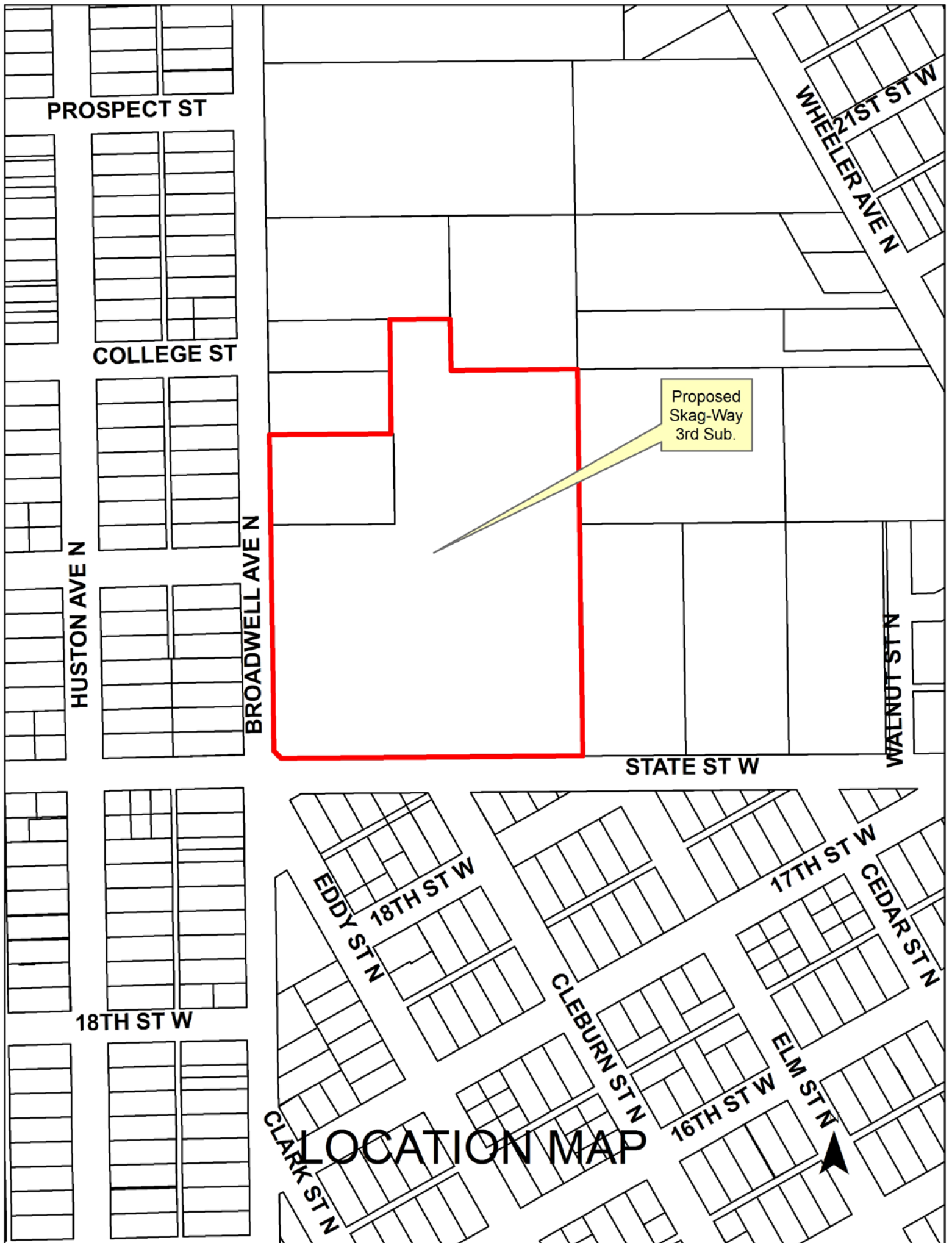
4. Take no action on the issue

### **Recommendation**

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

### **Sample Motion**

Move to approve as recommended.



**Super Market Developers, INC  
Developer/Owner**

Super Market Developers, Inc  
5000 Kansas Ave  
Kansas City KS 66106

To create 2 lots located north of State Street and east of Broadwell Ave., in the City of Grand Island, in Hall County, Nebraska.

**Size:** 12.01 acres

**Zoning:** B2 – General Business Zone.

**Road Access:** City Roads

**Water Public:** City water is available.

**Sewer Public:** City sewer is available.



August 20, 2014

Dear Members of the Board:

**RE: Final Plat – Skag-Way Third Subdivision**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Skag-Way Third Subdivision, located in the City of Grand Island, in Hall County Nebraska.

This final plat proposes to create 2 lots, a replat of all of Lot 1 of Skag-Way 2<sup>nd</sup> Subdivision & all Lot 3 of Skag-Way Subdivision in the City of Grand Island, Hall County, Nebraska, said tract containing 8.996 acres.

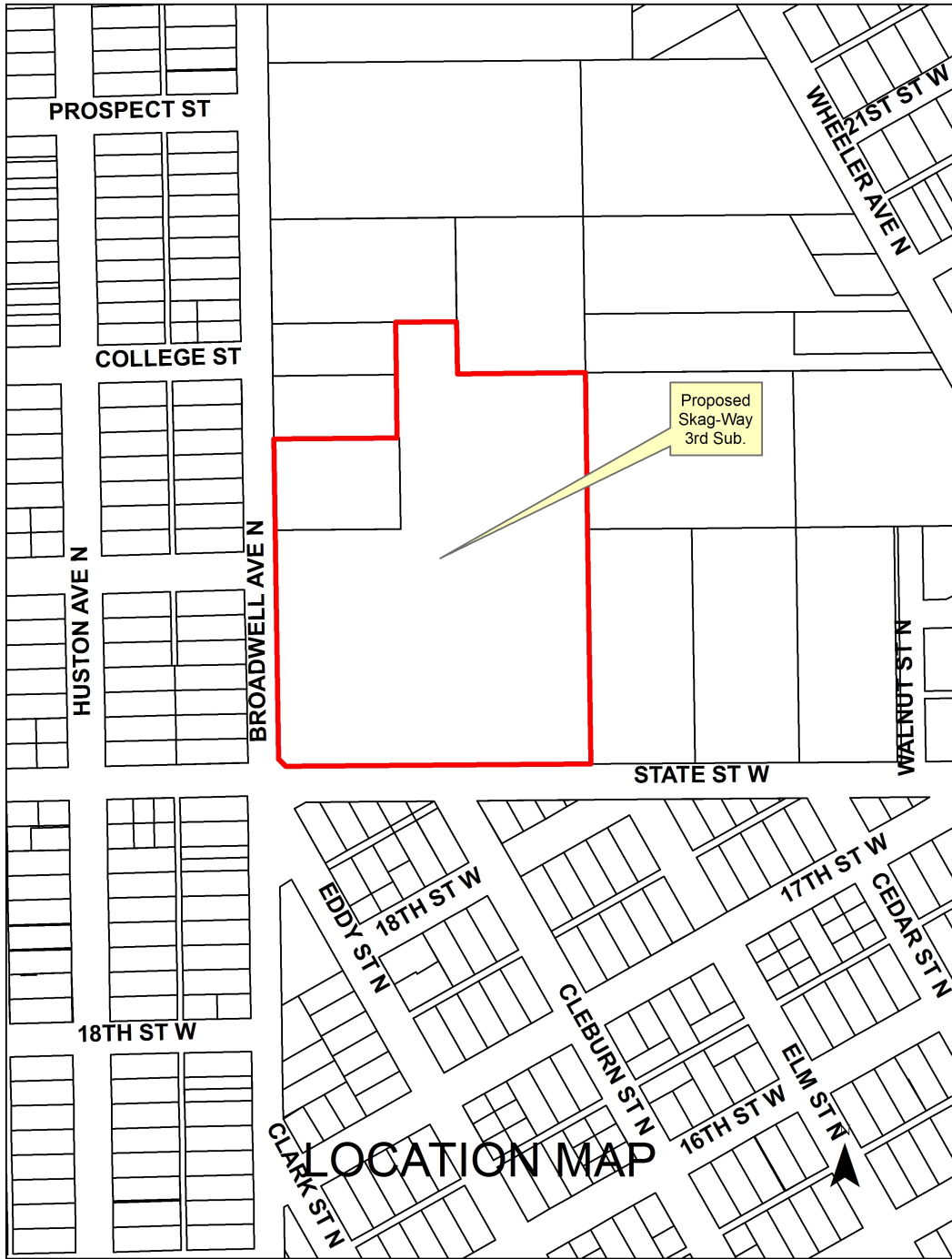
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on September 3, 2014 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP  
Planning Director

Cc: City Clerk  
City Attorney  
City Public Works  
City Building Department  
City Utilities  
Manager of Postal Operations  
Olsson Associates

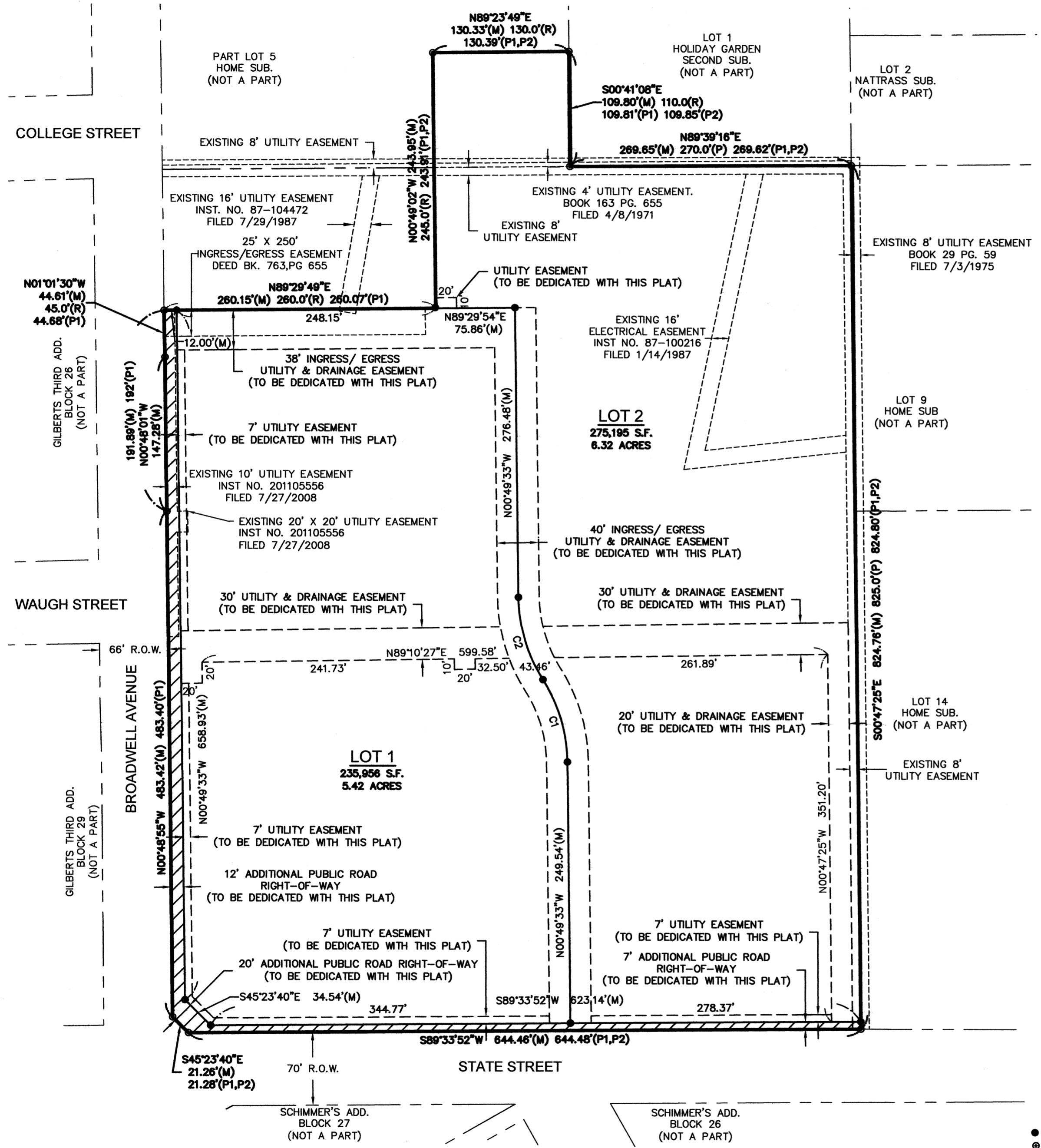
This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.



# SKAG-WAY THIRD SUBDIVISION

## CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

### FINAL PLAT



#### LEGAL DESCRIPTION

A REPLAT OF ALL OF LOT 1 OF SKAG-WAY 2ND SUBDIVISION & ALL OF LOT 3 OF SKAG-WAY SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID REPLAT CONTAINS A CALCULATED AREA OF 523,329 SQUARE FEET OR 12.01 ACRES MORE OR LESS OF WHICH 0.30 ACRES IS NEW DEDICATED ROAD ROW.

#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON \_\_\_\_\_, 2014, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A REPLAT OF ALL OF LOT 1 OF SKAG-WAY 2ND SUBDIVISION & ALL OF LOT 3 OF SKAG-WAY SUBDIVISION, SECTION NINE (9), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., 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

#### DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT SUPER MARKET DEVELOPERS, INC. BEING THE OWNER OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "SKAG-WAY THIRD SUBDIVISION" BEING A REPLAT OF ALL OF LOT 1 OF SKAG-WAY 2ND SUBDIVISION & ALL OF LOT 3 OF SKAG-WAY SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND DO 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 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 IS 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 \_\_\_\_\_, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

SUPER MARKET DEVELOPERS, INC.  
JERRY GARLAND

#### ACKNOWLEDGMENT

STATE OF NEBRASKA  
COUNTY OF HALL  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME \_\_\_\_\_, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED JERRY GARLAND, SUPER MARKET DEVELOPERS, INC. TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED HERETO AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR 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.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

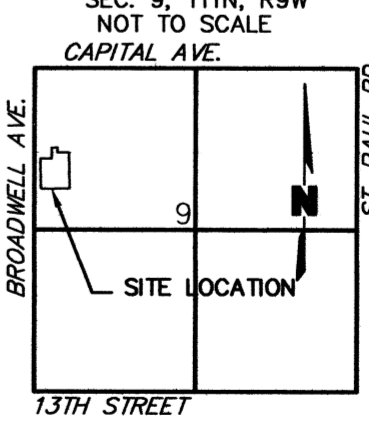
APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

MAYOR \_\_\_\_\_  
CITY CLERK \_\_\_\_\_

#### LEGEND

- SET CORNER
- FOUND CORNER (1/2" IRON PIPE UNLESS NOTED)
- EXISTING PROPERTY LINE
- PROPERTY LINE
- ADDITIONAL PUBLIC ROAD RIGHT-OF-WAY
- - - EXISTING EASEMENT LINE
- - - EASEMENT LINE
- M MEASURED DISTANCE
- P HOME SUBDIVISION PLATTED DISTANCE
- P1 SKAG-WAY SUBDIVISION PLATTED DISTANCE
- P2 SKAG-WAY SECOND SUBDIVISION PLATTED DISTANCE
- R RECORDED DISTANCE

#### LOCATION MAP



OWNERS: SUPER MARKET DEVELOPERS, INC.  
SUBDIVIDER: SUPER MARKET DEVELOPERS, INC.  
SURVEYOR: OLSSON ASSOCIATES  
ENGINEER: OLSSON ASSOCIATES  
NUMBER OF LOTS: 2

**OLSSON ASSOCIATES**  
201 East 2nd Street  
P.O. Box 1072  
Grand Island, NE 68802-1072  
TEL 308.384.8750  
FAX 308.384.8752

PROJECT NO. 2014-0304  
SKAG-WAY THIRD  
FB HALL CO.

| CURVE TABLE |           |         |             |        |        |
|-------------|-----------|---------|-------------|--------|--------|
| CURVE #     | DELTA     | RADIUS  | DIRECTION   | LENGTH | CHORD  |
| C1          | 31°47'18" | 150.00' | N16°43'12"W | 83.22' | 82.16' |
| C2          | 31°47'18" | 150.00' | N16°43'12"W | 83.22' | 82.16' |

DWG: F:\projects\014-0304\_PBIN\Final\Plat\0140304\_FP-revised2.dwg USER: lwheeler  
 DATE: Aug 27, 2014 8:23am XREFS: 0140304\_ROW 0140304\_XTOPO



\* This Space Reserved for Register of Deeds \*

SUBDIVISION AGREEMENT

**SKAG-WAY THIRD SUBDIVISION**

(Lots 1 and 2)

In the City of Grand Island, Nebraska

The undersigned, SUPER MARKET DEVELOPERS, INC., 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 replat of all of Lot One (1) of Skag-Way 2<sup>nd</sup> Subdivision and all of Lot Three (3) of Skag-Way Subdivision, City of Grand Island, Hall County, Nebraska. Said replat contains a calculated area of 523,329 square feet or 12.01 acres more or less of which 0.30 acres is 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 SKAG-WAY THIRD 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 SKAG-WAY THIRD 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 State Street or Broadwell Avenue where they abut the subdivision.

The Subdivider agrees to dedicate sufficient right of way for Waugh Street on the west side of Broadwell Avenue to accommodate moving the street in conjunction with plans and specifications approved by the Director of Public Works. Additionally, the Subdivider agrees to pay fifty percent (50%) of the costs of such relocation to the City at such time as the relocation of Waugh Street is complete.

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.

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

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.

7. **Redevelopment and Demolition of Existing Structures.** The intent of the Subdivider is to redevelop this property by demolishing three existing buildings and constructing new buildings. During the course of this redevelopment it is anticipated that the property involved will not conform in a strict sense with all of the zoning regulations adopted by the City of Grand Island. In order to facilitate redevelopment, the Subdivider and the City agree that certain aspects of the zoning regulations detailed herein may be waived during redevelopment. This waiver will be valid only as long as the outlined schedule for construction and demolition is followed, but not longer than July 1, 2016. All existing buildings referenced below are shown on the attached "Exhibit A".

The City agrees not to withhold or delay a building permit for this project due to the existence of Building C crossing the property line between Lots One (1) and Two (2) of Skag-Way 3<sup>rd</sup> Subdivision. Prior to the issuance of a building permit, the Subdivider shall submit a set of building plans that are in compliance with current building and fire code. By approval of this agreement, Council is deemed to have granted permission for issuance of this building permit.

The Subdivider agrees to obtain all required permits and fully demolish Buildings A and B on Lot One (1) of Skag-Way 3<sup>rd</sup> Subdivision prior to obtaining any permit(s) for new building(s) on said Lot One (1).

The Subdivider further agrees to demolish Building C no later than one hundred twenty (120) days after issuance of the occupancy certificate for the new building to be located on the northerly side of Lot One (1) of Skag-Way 3<sup>rd</sup> Subdivision. In no event shall the demolition of the existing Building C be extended past July 1, 2016, should a building permit be issued for and construction begin on a new building at the northerly end of Lot One (1) of this subdivision. The City agrees not to withhold or delay issuance of an occupancy certificate for the proposed new building on Lot One (1) of Skag-Way 3<sup>rd</sup> subdivision until parking spaces or landscaping that cannot be completed until Building C is demolished.

The Subdivider further agrees to provide the required parking and landscaping for the building on the northerly end of Lot One (1) within one hundred twenty (120) days of the demolition of Building C.

Building D on Lot Two (2) is not part of this agreement and may remain as a principal or accessory use on the property or be removed from the property at the discretion of the Subdivider and upon receiving any necessary permits.

8. **Parking Lot.** The Developer agrees to provide sufficient parking stalls within this development to comply with the §36-104 (F) 2 of the Grand Island City Code that allows for alternative parking lot landscaping for parking lots with more than 500 spaces. The 500 spaces may be shared across Lots 1 and 2 of this subdivision.

9. **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.

10. **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.

11. **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 SKAG-WAY THIRD 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.

12. **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.

SUPER MARKET DEVELOPERS, INC. ,  
Subdivider

By: \_\_\_\_\_  
Jerry Garland

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 Jerry Garland, Super Market Developers, Inc., known personally to me to be the identical person 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 Super Market Developers, Inc.

WITNESS my hand and notarial seal the date above written.

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

My commission expires: \_\_\_\_\_

CITY OF GRAND ISLAND, NEBRASKA  
A Municipal Corporation

By: \_\_\_\_\_  
Jay Vavricek, Mayor

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.

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Notary Public

My commission expires: \_\_\_\_\_



COLLEGE STREET

BUILDING D

WAUGH STREET

38' INGRESS/EGRESS, UTILITY & DRAINAGE EASEMENT

BUILDING B

BUILDING A

BUILDING C

7' UTILITY EASEMENT

30' UTILITY & DRAINAGE EASEMENT

30' UTILITY & DRAINAGE EASEMENT

BROADWELL AVENUE

12' ADDITIONAL RIGHT-OF-WAY

LOT 1

LOT 2

7' UTILITY EASEMENT

20' 20'

40' INGRESS/EGRESS, UTILITY & DRAINAGE EASEMENT

20' UTILITY & DRAINAGE EASEMENT

7' ADDITIONAL RIGHT-OF-WAY

7' UTILITY EASEMENT

7' UTILITY EASEMENT

STATE STREET

CLEBURN STREET



201 East 2nd Street  
P.O. Box 1072  
Grand Island, NE 68802-1072  
TEL 308.384.8750  
FAX 308.384.8752  
www.olsonassociates.com



RESOLUTION 2014-294

WHEREAS Super Market Developers, Inc., being the owner of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "SKAG-WAY THIRD SUBDIVISION", to be laid out into 2 lots, a Replat of all of Lot 1 of Skag-Way 2<sup>nd</sup> Subdivision and all of Lot 3 of Skag-Way Subdivision, in the City of Grand Island, Hall County, Nebraska, West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska, 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 SKAG-WAY THIRD 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, September 23, 2014.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| September 19, 2014  | ☐ City Attorney |