



# City of Grand Island

Tuesday, December 17, 2002

Council Session

## Item G22

### **#2002-390 - Approving Waiver of Property Located at 4212 West 13th Street as Nonconforming Lot (Orville & Gladys Gosda)**

*This is a request of Gladys Williams to formally acknowledge the existence of a tract of land which has existed as a separate and individual tract for several years. The current owner is in the process of selling the property and to obtain a clear title to the property the City needs to waive the requirement for a subdivision. The tract of land has existed for quite some time, however it is less than 10 acres in size and would if created today need to comply with the subdivision process. Because the tract has existed and had not previously had municipal approval, State Statues provide for a validation procedure and approval in the waiver form. Approval is recommend.*

Staff Contact: Craig Lewis

RESOLUTION 2002-390

WHEREAS, the Gladys and Orville Gosda family have owned the property located at 4212 West 13<sup>th</sup> Street for a number of years; and

WHEREAS, in 1980, state laws were enacted requiring the creation of subdivisions for the conveyance of tracts of land comprising less than ten (10) acres in size; and

WHEREAS, such property is considered a legal, nonconforming lot of record; and

WHEREAS, the Gosda family is presently interested in conveying such property; and

WHEREAS, the state statutes provide a validation procedure for real estate which has been subdivided without previous approval by the municipality; and

WHEREAS, such procedure requires a public notice and 120-day waiting period for such validation; and

WHEREAS, the Gosda's have requested that such public notice and waiting period be waived; and

WHEREAS, since the real estate was subdivided prior to the enactment of such state laws, it is prudent to waive such requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the property located at 4212 West 13<sup>th</sup> Street has been owned by Gladys and Orville Gosda family prior to the enactment of any state laws requiring subdivision creation, and such property can be sold "as is" as a legal nonconforming lot of record.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the Waiver allowing such property conveyance to proceed.

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Adopted by the City Council of the City of Grand Island, Nebraska on December 17, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ December 12, 2002 ? City Attorney
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