



City of Grand Island

Tuesday, February 04, 2003

Council Session

Item G7

#2003-43 - Approving Amendment to Clark Brothers Subdivision

The Clark Brothers Subdivision was approved by the Regional Planning Commission on November 2, 1995. The subdivision agreement required any building construction in the subdivision to connect to City water and sanitary sewer. At the January 28, 2003 City Council meeting, the owner of Lot 2 requested that the City amend the Subdivision Agreement to allow construction of a building on Lot 2 without connecting to City water and sanitary sewer mains. The Council voted to grant the owner a five year waiver from that requirement.

It is recommended that Council pass a Resolution approving the attached Amendment to the Subdivision Agreement.

Staff Contact: Steve Riehle, City Engineer/Public Works Director

RESOLUTION 2003-43

WHEREAS, on November 13, 1995, the City of Grand Island approved the final plat and Subdivision Agreement for Clark Bros. Subdivision; and

WHEREAS, the owner of Lot Two (2) of Clark Bros. Subdivision has requested an amendment to the subdivision agreement pertaining to the water and sanitary sewer requirements; and

WHEREAS, an Amendment to the Clark Bros. Subdivision has been prepared to allow the owner of Lot Two of such subdivision the ability to use private sanitary sewer and private water systems for a period not to exceed five years prior to hooking up to public sanitary sewer and water mains in accordance with the terms and conditions of such amendment; and

WHEREAS, the proposed Amendment to the Clark Bros. Subdivision has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Amendment to the Clark Bros. Subdivision pertaining to the sanitary sewer and water requirements for Lot Two (2) of such subdivision is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, February 4, 2003.

RaNae Edwards, City Clerk

AMENDMENT TO SUBDIVISION AGREEMENT

CLARK BROS. SUBDIVISION

(Lot 2)

This Amendment to the Clark Bros. Subdivision is between GARY SMITH, owner of Lot Two (2), Clark Bros. Subdivision, and the CITY OF GRAND ISLAND, NEBRASKA, a municipal corporation.

1. Clark Bros. Subdivision Agreement was entered into on November 25, 1995, and recorded with the Hall County Register of Deeds on March 27, 1996, at Document No. 96-102216.
2. Gary Smith is the owner in fee simple of Lot Two (2), Clark Bros. Subdivision.
3. This amendment shall pertain only to Lot Two (2), Clark Bros. Subdivision.
4. Paragraph No. 2 on Page 2 of the Clark Bros. Subdivision Agreement shall be amended to

read as follows:

Water. Public water supply is available to the subdivision and all structures requiring service shall be connected to such public water supply. Lot Two (2) may utilize a private water system until January 31, 2008. As of February 1, 2008, all structures requiring water service shall be connected to a public water main. In the event the private system fails prior to January 31, 2008, no repairs or improvements shall be allowed. At such time that the private system fails, the structure(s) requiring water service shall be connected to a public water main.

5. Paragraph No. 3 on Page 3 of the Clark Bros. Subdivision Agreement shall be amended to read as follows:

Sanitary Sewer. Public sanitary sewer main is available to the subdivision and shall be extended to serve the subdivision. All structures requiring sanitary sewer service shall be connected to the public sanitary sewer main. Lot Two (2) may utilize a private sanitary sewer system until January 31, 2008. As of February 1, 2008, all structures requiring sanitary sewer service shall be connected to a public sanitary sewer main. In the event the private system fails prior to January 31, 2008, no repairs or improvements shall be allowed. At such time that the private system fails, the structure(s) requiring sanitary sewer service shall be connected to a public sanitary sewer main.

6. All remaining terms and conditions of the Clark Bros. Subdivision Agreement shall remain in full force and effect.

DATED: _____, 2003.

Gary Smith

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2003, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gary Smith, known personally to me to be the identical person who signed the foregoing Amendment to Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and notarial seal the date above written.

Notary Public

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: _____
Jay Vavricek, Mayor

Attest: _____
RaNae Edwards, City Clerk