



City of Grand Island

Tuesday, January 27, 2004

Council Session

Item G5

#2004-14 - Approving Agreement for Restricted Yard Space Located on Lots 1 - 10 in Timberline Subdivision

This Resolution will reserve yard space for on site wastewater treatment systems (septic systems) on lots 1-10 of Timberline Subdivision located West of Webb Road and North of Nebraska Highway 2. This space is larger and in different place on the lot than conservation easements that were previously dedicated for this purpose. Moving the easements will make it possible to put a larger structure on the lot.

Staff Contact: Chad Nabity

AGREEMENT FOR RESTRICTED YARD SPACE

Agreement entered into by and between Hehnson, LLC, a Nebraska limited liability company (herein referred to as "Hehnson") and the City of Grand Island, a municipal corporation of the State of Nebraska (herein referred to as "City").

WHEREAS, 45' x 85' conservation easements on Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) were dedicated with the Subdivision Plat for Timberline Subdivision located in the City of Grand Island, Hall County, Nebraska, for the sole purpose of reserving such easements for a septic field and reserve septic field. Such plat was recorded with the Hall County Register of Deeds office on May 13, 2003 as Instrument No. 0200305983; and

WHEREAS, the owner of such subdivision has requested that such conservation easements be relocated on the property to better facilitate the development of such lots; and

WHEREAS, on January 27, 2004, by Ordinance No. 8886, the existing conservation easements were vacated; and

WHEREAS, it has been determined that an agreement restricting the use of a portion of such property for a septic system (onsite wastewater treatment system) is appropriate.

NOW, THEREFORE, for valuable consideration to Hehnson, receipt whereof is hereby acknowledged, Hehnson does hereby grant and convey to the City, a restriction upon the use, occupancy and maintenance of the following described premises:

A 55' x 85' tract of land located on the west property line of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), Timberline Subdivision, as shown on the attached drawing dated December 16, 2003 and amended January 18, 2004.

Hehnson shall, at its sole expense, keep and maintain said premises clear of all structures, paving, fences, trees, and other restrictions or impediments for the use of said premises for an onsite wastewater treatment system (septic field).

This restriction on the use of yard space shall be binding upon the parties hereto, their grantees, heirs, successors and assigns in perpetuity, and shall remain in force and effect until such property is served by a municipal sewer system.

DATED: January _____, 2004.

HEHNSON, LLC.,
A Nebraska limited liability company,

Rick S. Johnson

K.C. Hehnke

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this _____ day of January, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Rick S. Johnson, a Member of Hehnson, LLC., a Nebraska limited liability company, to me known to be the identical person who signed the foregoing Agreement for Restricted Yard Space and acknowledges 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

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this _____ day of January, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared K.C. Hehnke, a Member of Hehnson, LLC., a Nebraska limited liability company, to me known to be the identical person who signed the foregoing Agreement for Restricted Yard Space and acknowledges 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

Approved by Resolution 2004-14
Approved as to form _____

R E S O L U T I O N 2004-14

WHEREAS, in accordance with state regulations, a portion of Lots One (1) through Ten (10), Timberline Subdivision shall be reserved for the installation of a septic field and reserve septic field (onsite wastewater treatment system) to serve the property; and

WHEREAS, it is necessary to place restrictions on a portion of such property requiring current and future property owners to adhere to such regulations; and

WHEREAS, an Agreement for Restricted Yard Space has been prepared by the City Attorney's office which will establish a set area to be used for a septic field and reserve septic field (an onsite wastewater treatment system).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement for Restricted Yard Space by and between the City and Hehnson, LLC 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, January 27, 2004.

RaNae Edwards, City Clerk

