



City of Grand Island

Tuesday, January 27, 2004

Council Session

Item G6

#2004-15 - Approving Amendment to Timberline Subdivision Agreement

The owners of lots 1-10 of Timberline Subdivision located West of Webb Road and North of Nebraska Highway 2 would like to dedicate Septic System Easements to replace the conservation easements that were dedicated with the Subdivision. These easements are larger and in a different place on the lot than conservation easements that were previously dedicated for this purpose. Moving the easements will make it possible to put larger structures on the lots and will not impact the effectiveness of the septic systems. The subdivision agreement needs to be amended to reference septic system easements rather than conservation easements.

Staff Contact: Chad Nabity

AMENDMENT TO SUBDIVISION AGREEMENT

TIMBERLINE SUBDIVISION

This Amendment to the Timberline Subdivision is between HEHNSON, LLC, a Nebraska Limited Liability Company, owner of Lots One (1) through Ten (10) inclusive, Timberline Subdivision, and the CITY OF GRAND ISLAND, NEBRASKA, a municipal corporation.

1. Timberline Subdivision Agreement was entered into on May 2, 2003, and recorded with the Hall County Register of Deeds on May 15, 2003, at Document No. 0200306088.

2. This amendment shall pertain to Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), Timberline Subdivision.

3. Paragraph No. 4 on Page 4 of the Timberline Subdivision Agreement shall be amended to read as follows:

Restricted Use of Property. The use of a portion of Lots One (1) through Ten (10) as shown on the plat dated December 16, 2003 and revised January 18, 2004, attached hereto as Exhibit "A" and incorporated herein shall be restricted for the purpose of providing space for a septic field and a reserve septic field (onsite wastewater treatment system). No structures, paving, fences, or trees are allowed in the restricted area on these lots. The Subdivider must include language in any deed conveying Lots One (1)

4. All remaining terms and conditions of the Timberline Subdivision Agreement shall remain in full force and effect.

HEHNSON, LLC.,
A Nebraska Limited Liability Company,

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

WITNESS my hand and notarial seal the date above written.

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

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 2004-15
Approved as to form _____

RESOLUTION 2004-15

WHEREAS, on April 8, 2003, by Resolution 2003-72, the City of Grand Island City Council approved the final plat and Subdivision Agreement for Timberline Subdivision; and

WHEREAS, the owner of such subdivision has requested that the existing conservation easements located on Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) of such subdivision be relocated to allow more space for the construction of a structure on the property; and

WHEREAS, the Subdivision Agreement sets out restrictions on the use of such property, which now needs to be clarified; and

WHEREAS, the City Attorney's office has prepared an Amendment to the Timberline Subdivision Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Amendment to the Timberline Subdivision Agreement is hereby approved which clarifies the restrictions for the use of a portion of Lots One (1) through Ten (10) of such subdivision.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such amendment 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