



City of Grand Island

Tuesday, April 13, 2004

Council Session

Item G8

**#2004-72 - Approving Final Plat and Subdivision Agreement for
Richmond Fourth Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 13, 2004
Subject: Richmond Fourth Subdivision - Final Plat
Item #'s: G-8
Presenter(s): Chad Nabity

Background

This final plat proposes to create 6 lots on a parcel of land in the NW ¼ SE ¼ Section 13, Township 11, Range 10. These lots front onto an existing public right-of-way.

Discussion

This is infill development along Diers Avenue between Old Potash Highway and Faidley Avenue. This development of 6 lots is consistent with the preliminary plat presented for approval at the April 13 meeting of the Grand Island City Council.

A utility easement is needed along the eastern edge of lots 1 and 2 extending from the south property line to 20 feet into lot 2. This utility easement needs to be a 20 feet wide. The owner/developer of the property is working with the neighboring property owner to the east to place 10 feet of the 20 foot easement onto the neighboring property. Planning commission did recommend approval of the final plat with the provision that this easement be granted at a minimum width of 20 feet allowing that part of the easement may be place on adjoining property.

This subdivision meets the requirements for a legal subdivision in Grand Island. The lot sizes and widths are large enough for the B2 General Business Zone. Water and sewer are available to the subdivision and will be extended to all lots by the developer. Standard subdivision agreements will apply to this subdivision.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

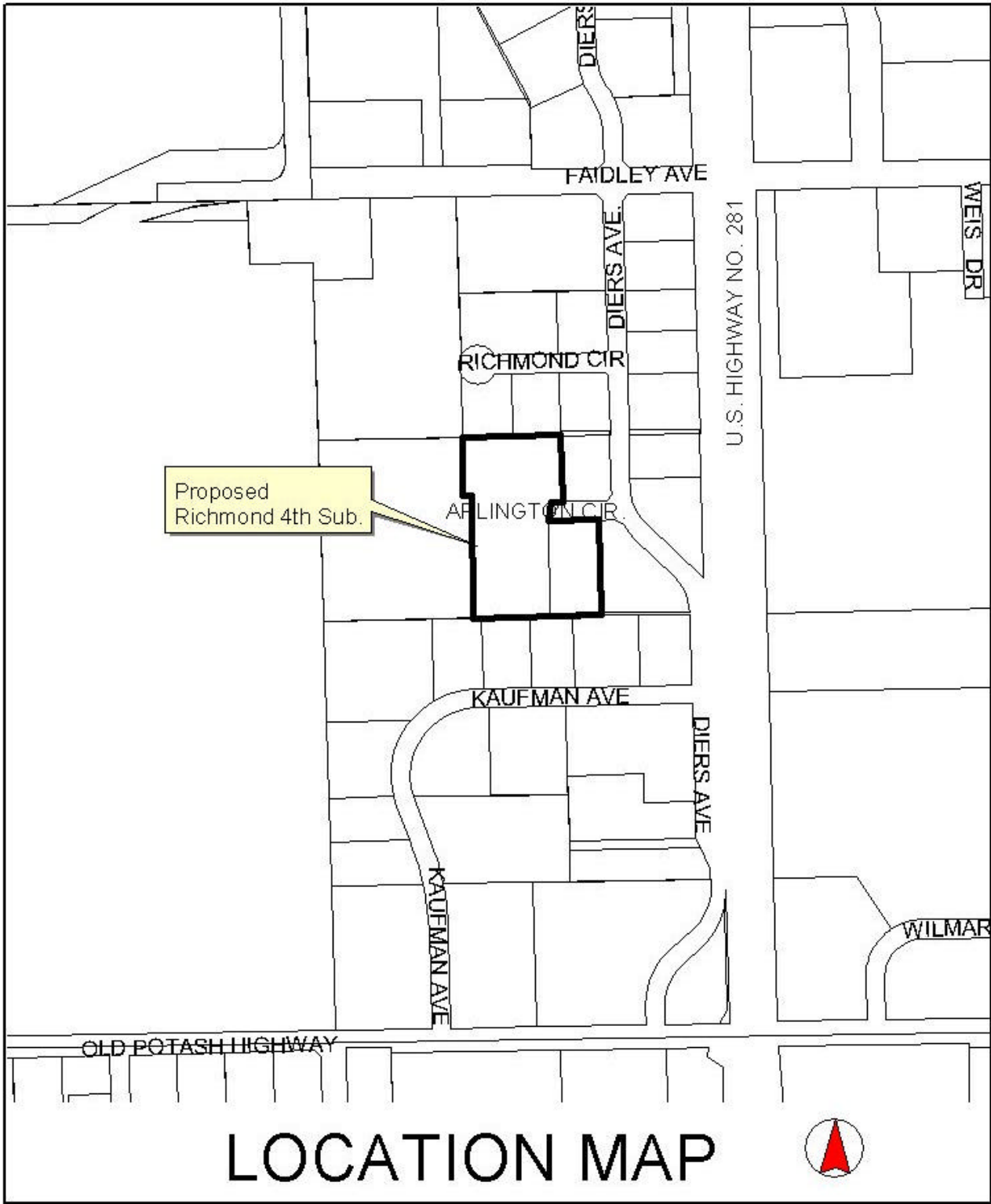
1. Approve the final plat and Subdivision agreement as presented
2. Modify the final plat and subdivision agreement to meet the wishes of the Council
3. Table the issue

Recommendation

Planning Commission recommends that the Council approve the final plat and subdivision agreement.

Sample Motion

Approve the Richmond Fourth Subdivision and subdivision agreements.



LOCATION MAP

SUBDIVISION AGREEMENT

RICHMOND FOURTH SUBDIVISION

(Lots 1, 2, 3, 4, 5, and 6)

In the City of Grand Island, Nebraska

The undersigned, Arlington Investment, Inc., a Nebraska corporation, hereinafter called the Subdivider, as owner of a tract of land comprising all of Lot Four (4), Richmond Third Subdivision and a part of the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4), all in Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot Three (3), Richmond Third Subdivision, said point also being on the southerly right-of-way line of Arlington Circle; thence running southerly along the westerly line of Lot Three (3), Richmond Third Subdivision, on an Assumed Bearing of S00°04'59"W, a distance of Two Hundred Eighty Seven and Sixty One Hundredths (287.61) feet, to the southwest corner of Lot Three (3), Richmond Third Subdivision, to a point on the north line of Commonwealth Business Park Third Subdivision and to a point on the southerly line of said Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4); thence running N89°03'02"W, along the northerly line of

Commonwealth Business Park Third Subdivision, and the southerly line of said Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4), a distance of Three Hundred Seventy Four (374.00) feet; thence running N00°04'59"E, a distance of Three Hundred Forty Six and Eighty Five Hundredths (346.85) feet; thence running N89°10'01"W, a distance of Nineteen and Two Hundredths (19.02) feet; thence running N00°04'59"E, a distance of Two Hundred Twenty (220.00) feet, to a point on the southerly line of Richmond Subdivision; thence running S89°10'01"E, along the southerly line of Richmond Subdivision, a distance of Two Hundred Eighty One (281.00) feet, to the northwest corner of Lot Five (5), Richmond Third Subdivision; thence running S00°04'59"W, a distance of Two Hundred Twenty (220.00) feet, to the southwest corner of Lot Five (5), Richmond Third Subdivision, and to a point on the northerly right-of-way line of Arlington Circle; thence running N89°10'01"W, along the northerly right-of-way line of Arlington Circle, a distance of Forty Five (45.00) feet; thence running S00°04'59"W, a distance of Sixty (60.00) feet, to the northwest corner of said Lot Four (4), Richmond Third Subdivision, and to a point on the southerly right-of-way line of Arlington Circle; thence running S89°10'01"E, along the northerly line of said Lot Four (4), and the southerly right-of-way line of Arlington Circle, a distance of One Hundred Fifty Seven (157.00) feet, to the point of beginning and containing 4.184 acres more or less;

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 RICHMOND FOURTH 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 RICHMOND FOURTH 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 pave Arlington Circle and Lexington Circle in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection. If the Subdivider fails to pave Arlington Circle and Lexington Circle, the City may create a paving district to perform such work. The Subdivider agrees to waive the right to object to the creation of any paving district for Arlington Circle and Lexington Circle where they abut the subdivision if it fails to pave these streets as required herein.

2. **Water.** Public water is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

3. **Sanitary Sewer.** Public sanitary sewer is available to the subdivision and the Subdivider agrees to extend, connect and provide sanitary sewer service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

4. **Storm Drainage.** The Subdivider agrees to grade all lots in the subdivision in conjunction with the development proposed thereon so that storm drainage is conveyed to a public right-of-way or to other drainage systems. The drainage plan must be approved by the Director of Public Works.

5. **Sidewalks.** The Subdivider shall install all public sidewalks as required by the City of Grand Island when the lots are built upon, and such sidewalk shall be regulated and required with the

building permit for each such lot. The Subdivider agrees to install public sidewalks within one year of the completion of any street improvement in accordance with the City of Grand Island Sidewalk Policy.

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. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a registered professional engineer 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 registered engineer 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 registered professional engineer shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

8. **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 RICHMOND FOURTH SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island.

9. **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 _____, 2004.

ARLINGTON INVESTMENT, INC.,
a Nebraska corporation,
Subdivider

By: _____
John A. Albers, President

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John A. Albers, President of Arlington Investment, Inc., a Nebraska corporation, known personally to me to be the identical person and such officer 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 the corporation.

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

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

Before me, a notary public, qualified in said County 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 2004-_____, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal on _____, 2004.

Notary Public

RESOLUTION 2004-72

WHEREAS, Arlington Investment, Inc., a Nebraska corporation, as owner, has caused to be laid out into lots, a tract of land comprising all of Lot Four (4), Richmond Third Subdivision and a part of the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4), all in Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of RICHMOND FOURTH SUBDIVISION, 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 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 RICHMOND FOURTH 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, April 13, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 8, 2004	☐ City Attorney