



City of Grand Island

Tuesday, November 22, 2005

Council Session

Item G3

**#2005-324 - Approving Final Plat and Subdivision Agreement for
Kings Crossing Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: November 22, 2005
Subject: Kings Crossing Subdivision - Final Plat
Item #'s: G-3
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 5 lots on a parcel of land located in the NE ¼ NE ¼ 33-11-09. This land consists of approximately 7.30 acres.

Discussion

In a Commercial Development Zone the final plat is approved with the rezoning. The Nebraska Department of Roads (NDOR) has verbally approved the Kings Lane intersection with U.S. Highway 34. If the rezoning is approved this plat must also be approved. Any discussion on the plat should be included with discussion of the rezoning.

Alternatives

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

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

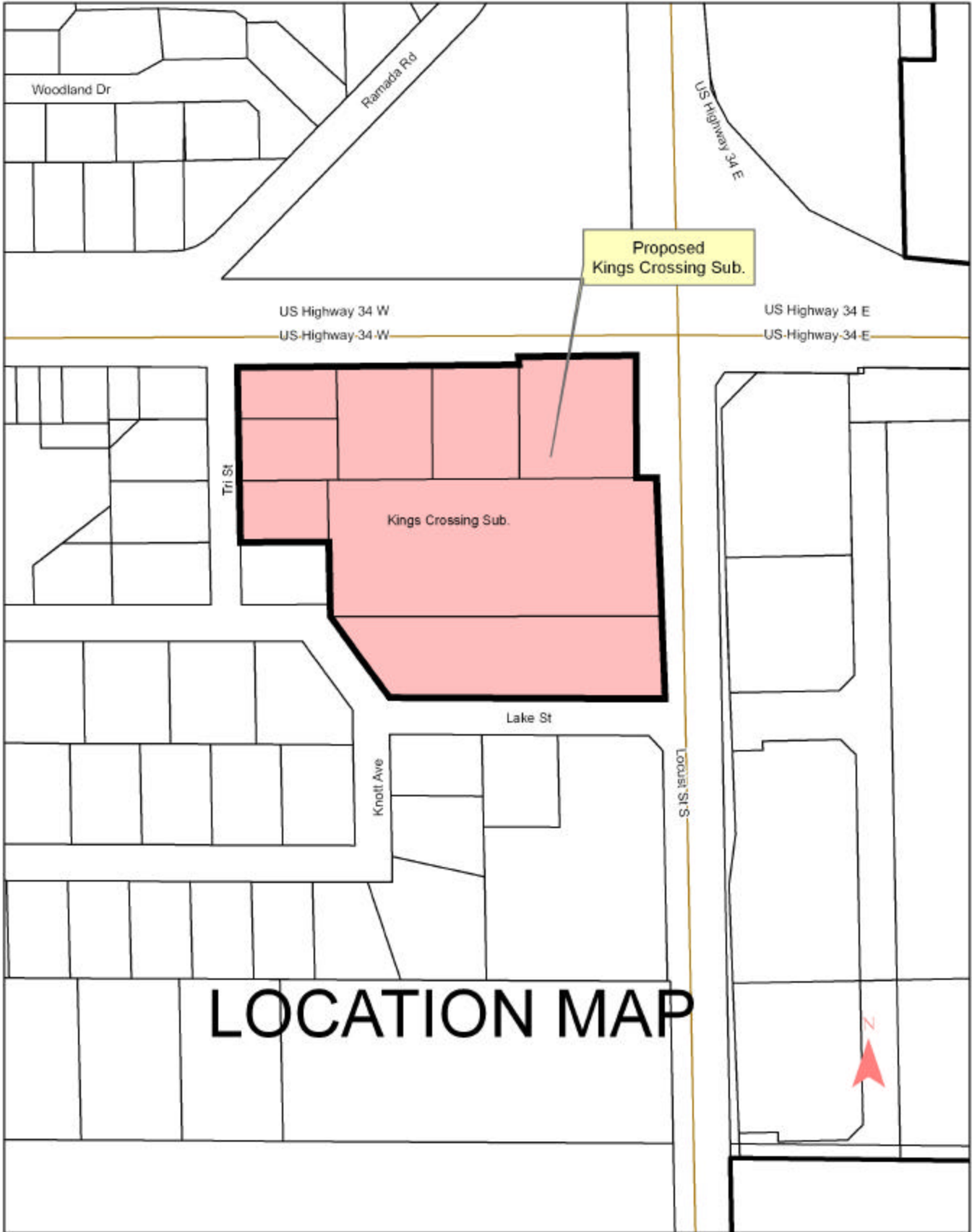
Recommendation

A motion was made by Amick 2nd by Miller to approve the final plat as presented contingent upon approval of King's Lane by NDOR.

A roll call vote was taken and the motion passed with 9 members present (Miller, Amick, O'Neill, Monter, Haskins, Eriksen, Brown, Niemann, Reynolds) voting in favor.

Sample Motion

Approve the Final Plat for King's Crossing Subdivision as presented.



SUBDIVISION AGREEMENT

KING'S CROSSING SUBDIVISION

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

In the City of Grand Island, Nebraska

The undersigned, R2S2 L.L.C., a limited liability company, hereinafter called the Subdivider, as owner of a tract of land consisting of Lots 6, 7 and 10 of Palu Subdivision and unplatted tracts of land as recorded in Instrument No. 200412508, Instrument No. 200412510 and Instrument No. 200500184 at the Hall County Register of Deeds, all located in the Northwest Quarter of the Northeast Quarter (NE1/4, NE1/4) of Section 33, Township 11 North, Range 9 West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said NE1/4; thence on an assumed bearing of S89°28'08"W along the north line of said NE1/4 a distance of 721.20 feet; thence S01°17'57"E a distance of 46.53 feet to the point of intersection of the east right-of-way (R.O.W.) line of Tri Street and the south R.O.W. line of U.S. Highway 34, said point also being the Point of Beginning; thence N89°44'53"E along said south R.O.W. line a distance of 614.30 feet to the point of intersection of said south R.O.W. line and the west R.O.W. line of Locust Street; thence S37°03'26"E along said west

R.O.W. line a distance of 74.44 feet; thence S05°51'03"E a distance of 113.01 feet; thence S02°13'38"E a distance of 237.70 feet; thence S02°13'38"E a distance of 111.27 feet; thence S45°03'16"W a distance of 33.95 feet to the point of intersection of said west R.O.W. line and the north R.O.W. line of Lake Street; thence N89°59'19"W along said north R.O.W. line a distance of 409.80 feet; thence N36°21'09"W a distance of 162.56 feet; thence N00°30'19"W a distance of 19.97 feet to the southeast corner of Lot 11 of said Palu Subdivision; thence N01°21'58"W along the east line of said Lot 11 a distance of 103.40 feet to the northeast corner of said Lot 11, said point also being the southeast corner of Lot 10 of said Palu Subdivision; thence S89°22'40"W along the south line of said Lot 10 a distance of 144.60 feet to the southwest corner of said Lot 10, said point also being on the east R.O.W. line of Tri Street; thence N01°21'03"W along said east R.O.W. line a distance of 289.12 feet to the point of beginning. Said tract contains 317,873 square feet or 7.30 acres more or less of which 0.79 acres is new dedicated public road right of way;

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 KING'S CROSSING 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 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 KING'S CROSSING 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. **Commercial Development Zone.** This subdivision is within a designated Commercial Development Zone and shall be regulated in accordance with Chapter 36 of the Grand Island City Code. A Development Plan as shown on Exhibit A, attached hereto and incorporated herein by reference is hereby approved for such subdivision. A Landscaping Plan as shown on Exhibit B, attached hereto and incorporated herein by reference is hereby approved for such subdivision. Said Landscaping Plan shows the approximate location and minimum number of trees, shrubs, and pedestrian lights required along the exterior frontages. A Building Elevation Plan as shown on Exhibit C, attached hereto and incorporated herein by reference is hereby approved for such subdivision. Said Building Elevation Plan identifies the general building materials and color selections for buildings in this subdivision, including alternates. Any amendments to said plans shall be approved by the City of Grand Island in accordance with the Grand Island City Code. The current official Development Plan shall be on file with the City's Building Department.

2. **Design and Construction.** No building shall be constructed within the subdivision except within the Building Envelope Areas as identified on the Development Plan (Exhibit A). The buildings to be constructed shall be designed so that the exterior of such building shall be architecturally and aesthetically compatible in material and color. The design and construction shall be in conformity with sound architectural and engineering standards. No portion of any building constructed (including architectural features) shall exceed a height of fifty-five (55.0) feet above the center of the intersection of U.S. Highway 34 and South Locust Street.

3. **Paving.** The Subdivider agrees to pave King's Lane and that portion of Lake Street east of Knott Avenue and west of South Locust Street within the subdivision 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 King's Lane or Lake Street, 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 King's Lane or Lake Street if it fails to pave these streets as required herein. The Subdivider agrees to waive the right to protest the creation of any paving or repaving district for U.S. Highway 34, Tri Street, or South Locust Street where they abut the subdivision.

4. **Driveway Access.** Vehicular access shall not be allowed directly onto U.S. Highway 34 from Lot One (1) or Lot Three (3). Vehicular access shall not be allowed directly onto South Locust Street from Lot Three (3), Lot Four (4) or Lot Five (5).

5. **Water.** The Subdivider shall design, construct and install an eight (8.0) inch diameter public water main in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection. In addition, the Subdivider shall 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.

6. **Sanitary Sewer.** The Subdivider shall design, construct and install a ten (10) inch diameter public sanitary sewer in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection. In addition, the Subdivider shall 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. At the time of the execution of this agreement, the Subdivider shall pay to the City of Grand Island a sewer connection fee in the amount of \$27,277.

7. **Electrical Service.** The Subdivider shall design, construct and install a conduit for a public electrical line in accordance with plans and specifications approved by the Director of Utilities, and subject to the City's inspection.

8. **Pedestrian Lighting.** The Subdivider agrees to purchase eight (8) pedestrian lights identical to those north and east of the development along the South Locust corridor. The Subdivider shall be responsible for the installation of seven (7) pedestrian lights along South Locust Street as shown on Exhibit B attached hereto. The remaining light shall be provided to the Grand Island Utilities Department to be used as a replacement.

9. **Sidewalks.** The Subdivider shall install all public sidewalks adjacent to U.S. Highway 34 and South Locust Street with the completion of the installation of King's Lane. The Subdivider shall install public sidewalk along the concrete paved portions of Lake Street and Kings Lane when the adjoining lots are built upon, and such sidewalk shall be regulated and required with the building permit for each such lot.

Immediate sidewalk construction adjacent to the gravel surfaced portions of Lake Street and Tri Street shall be waived. However, the sidewalks shall be constructed when the property owner is directed to do so by the City Council. In the event a Street Improvement District is created to pave the gravel surfaced portions of Lake Street or Tri Street abutting the subdivision, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk Policy.

10. **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 approved by the Director of Public Works. The Drainage Plan must be approved by the Director of Public works.

11. **Signage.** Signage shall be permitted on the buildings as well as within the sign envelopes as designated on the Development Plan (Exhibit A) and adjacent to the identified public way. All signs shall be installed in accordance with the Grand Island City Code. Wall mounted signs are permissible as well as the signs identified in the chart attached hereto as Exhibit D and incorporated herein by this reference. Sizes indicated on Exhibit D are for the entire sign structure. All ground mounted signs (either pole or monument) shall be built within the designated sign envelope and shall conform to sign setbacks. Entrance and exit signs shall not exceed three (3.0) square feet in size and shall be permitted on the property within the sign envelope. All sign bases shall be built with materials similar to the buildings. Illuminated signs shall be illuminated internally.

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

13. **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 KING'S CROSSING SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island.

14. **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 _____, 2005.

R2S2 L.L.C., a Limited Liability Company,
Subdivider

By: _____
_____(Name)
_____(Title)

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, _____ of R2S2 L.L.C., a limited liability company, known personally to me to be the identical person 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 company.

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 2005-____, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal on _____, 2005.

Notary Public

RESOLUTION 2005-324

WHEREAS, R2S2 L.L.C., a limited liability company, as owner, has caused to be laid out into lots, a tract of land consisting of Lots 6, 7 and 10 of Palu Subdivision and unplatted tracts of land as recorded in Instrument No. 200412508, Instrument No. 200412510 and Instrument No. 200500184 at the Hall County Register of Deeds, all located in the Northeast Quarter of the Northeast Quarter (NE1/4, NE1/4) of Section 33, Township 11 North, Range 9 West of the 6th P.M., City of Grand Island, Hall County, Nebraska, under the name of KING'S CROSSING 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 of the property 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 KING'S CROSSING 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.

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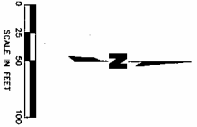
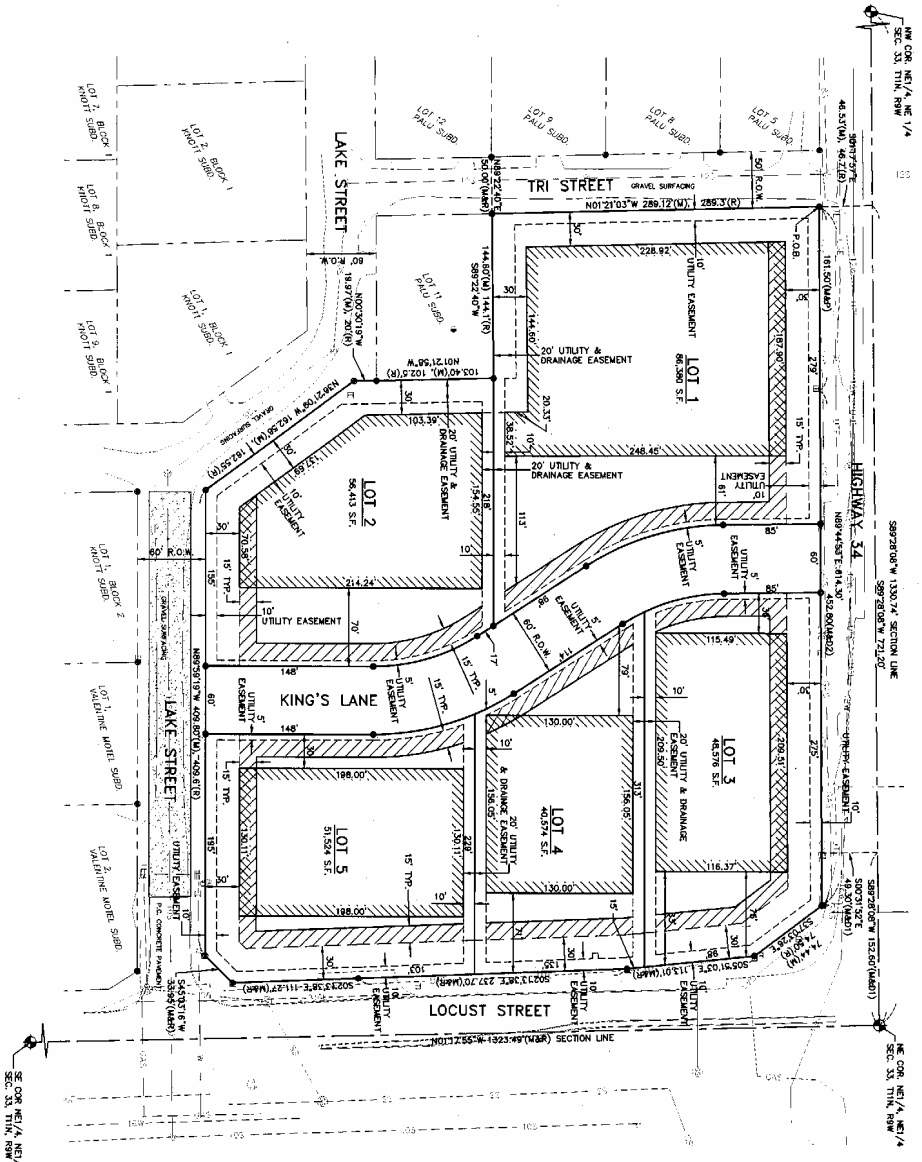
Adopted by the City Council of the City of Grand Island, Nebraska, November 22, 2005.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 16, 2005	☐ City Attorney

KING'S CROSSING SUBDIVISION DEVELOPMENT PLAN

EXHIBIT A



- BUILDING ENVELOPE
- 15' SOIL ENVELOPE
- PARKING

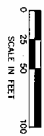
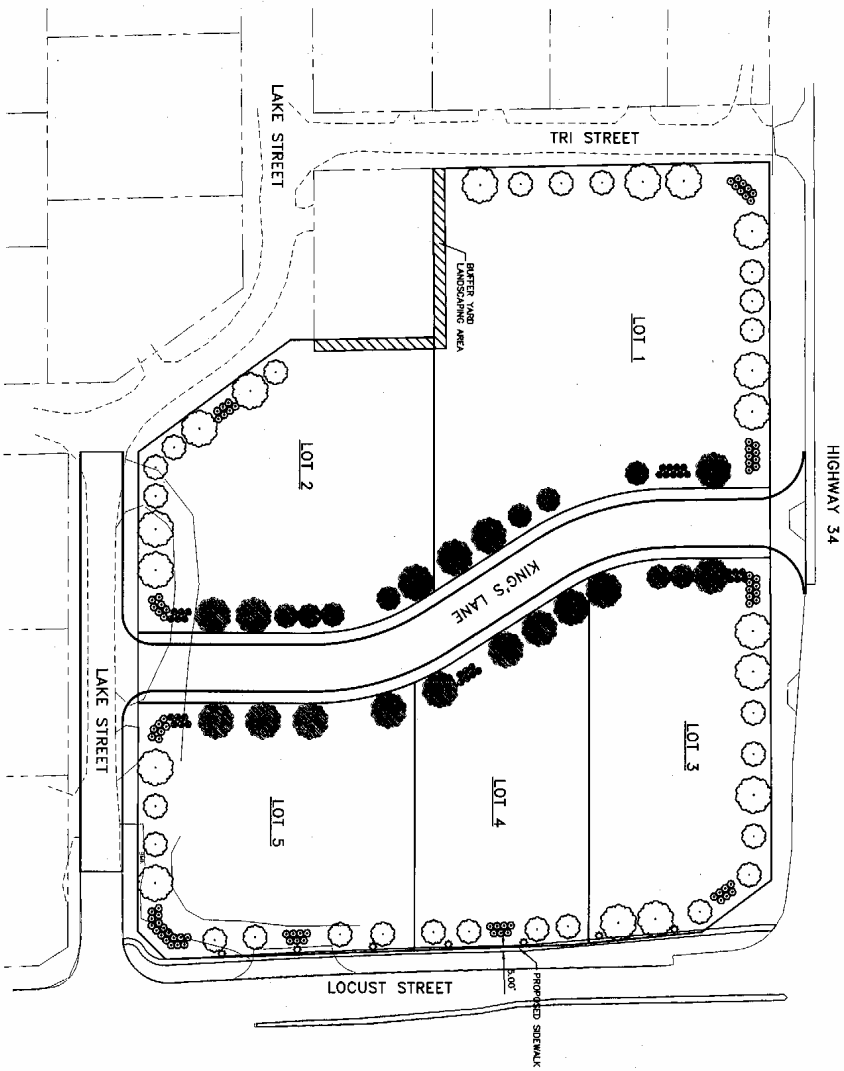
OLUSSON ASSOCIATES

ENGINEERS - PLANNERS - SCENARISTS - SURVEYORS

201 107 2nd Street, Suite 200, Grand Island, NE 68881
 (402) 333-3333
 www.olusson.com

LANDSCAPING PLAN

EXHIBIT B



- LEGEND**
- PROPOSED PEDESTRIAN LIGHT
 - PHASE 1 CANOPY TREE
 - PHASE 1 UNDERSTORY TREE
 - PHASE 1 SHRUB
 - PHASE 2 CANOPY TREE
 - PHASE 2 UNDERSTORY TREE
 - PHASE 2 SHRUB
-
- PHASE 1 HAS APPROX. 1800 LF. OF PUBLIC STREET FRONTAGE
- 1800/100 = 18 CANOPY TREES
 - 18 * 1 = 18 UNDERSTORY TREES
 - 18 * 3 = 54 SHRUBS
- PHASE 2 SHOWS THE FOLLOWING LANDSCAPING
- 21 CANOPY TREES
 - 21 * 1 = 21 UNDERSTORY TREES
 - 21 * 3 = 63 SHRUBS
- PHASE 2 HAS APPROX. 1100 LF. OF PUBLIC STREET FRONTAGE
- 1100/100 = 11 CANOPY TREES
 - 11 * 1 = 11 UNDERSTORY TREES
 - 11 * 3 = 33 SHRUBS
- PHASE 2 SHOWS THE FOLLOWING LANDSCAPING
- 12 CANOPY TREES
 - 12 * 1 = 12 UNDERSTORY TREES
 - 12 * 3 = 36 SHRUBS

OLUSON ASSOCIATES

301 EAST 240 STREET - GRAND ISLAND, NEBRASKA 68801 - 402-344-2720 - FAX 402-344-8732

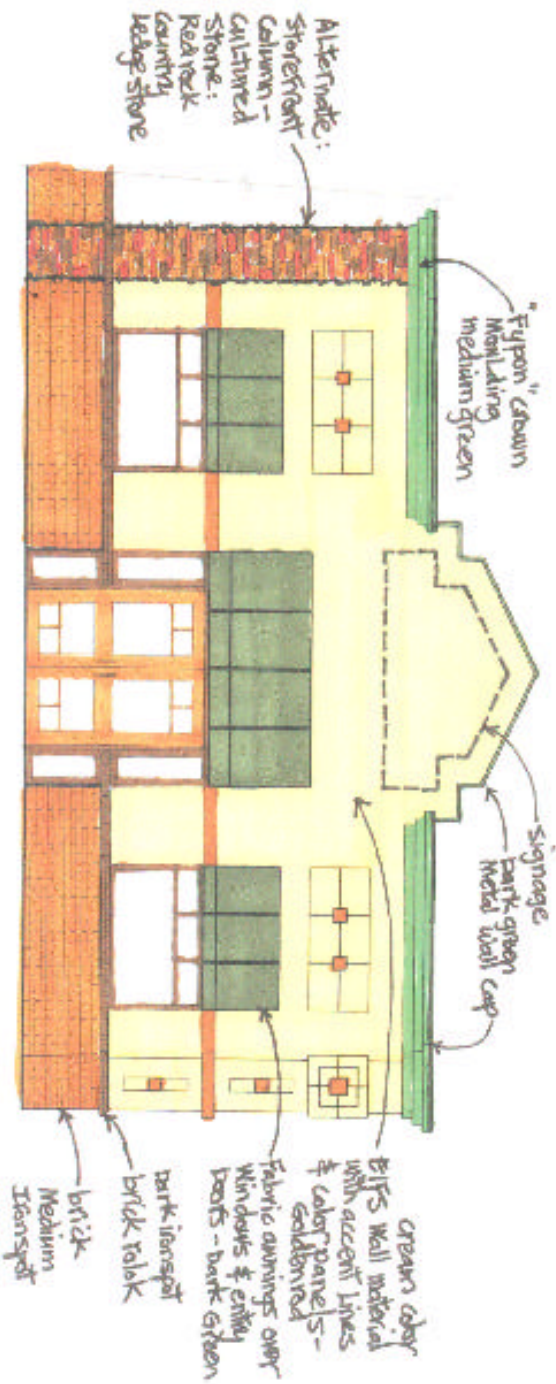
1000 WEST 10TH STREET - LINCOLN, NEBRASKA 68502 - 402-441-1111

1400 WEST 10TH STREET - LINCOLN, NEBRASKA 68502 - 402-441-1111

1400 WEST 10TH STREET - LINCOLN, NEBRASKA 68502 - 402-441-1111

1400 WEST 10TH STREET - LINCOLN, NEBRASKA 68502 - 402-441-1111

Building Elevation Plan
 "Exhibit C"



FRONT ELEVATION
 SCALE 1/4" = 1'-0"

King's Crossing Subdivision
 Architectural Style
 R2S2 development • Webb & Company Architects
 10.17.05

EXHIBIT D

Permitted Signage King's Crossing Subdivision

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5
South Locust Street	NA	NA	One (1) monument style sign not to exceed eight (8.0) feet in height or width for the entire sign structure. Maximum size sixty four (64) square feet.	One (1) monument style sign not to exceed eight (8.0) feet in height or width for the entire sign structure. Maximum size sixty four (64) square feet.	One (1) monument style sign not to exceed eight (8.0) feet in height or width for the entire sign structure. Maximum size sixty four (64) square feet.
King's Lane	One (1) monument style sign not to exceed six (6.0) feet in height or width for the entire sign structure. Maximum size thirty six (36) square feet.	One (1) monument style sign not to exceed six (6.0) feet in height or width for the entire sign structure. Maximum size thirty six (36) square feet.	One (1) monument style sign not to exceed six (6.0) feet in height or width for the entire sign structure. Maximum size thirty six (36) square feet.	One (1) monument style sign not to exceed six (6.0) feet in height or width for the entire sign structure. Maximum size thirty six (36) square feet.	One (1) monument style sign not to exceed six (6.0) feet in height or width for the entire sign structure. Maximum size thirty six (36) square feet.
U.S. Highway 34	One (1) monument style sign not to exceed eight (8.0) feet in height or width for the entire sign structure. Maximum size sixty four (64) square feet.	NA	One (1) monument style sign not to exceed eight (8.0) feet in height or width for the entire sign structure. Maximum size sixty four (64) square feet.	NA	NA
Lake Street	NA	One (1) pole sign not to exceed thirty (30.0) feet in height with a sign face limited to one hundred (100.0) square feet	NA	NA	One (1) monument style sign not to exceed six (6.0) feet in height or width for the entire sign structure. Maximum size thirty six (36) square feet.

* All signs must conform to the Grand Island City Code *