



City of Grand Island

Tuesday, December 06, 2011

Council Session

Item G8

**#2011-353 - Approving Amended Subdivision Agreement for
Fairway Crossings at Indianhead Golf Course First Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP

Meeting: December 6, 2011

Subject: Amendment to the Subdivision Agreement for Fairway Crossings at Indianhead Golf Club Subdivision

Item #'s: G-8

Presenter(s): Chad Nabity, AICP Hall County Regional Planning Director

Background

The subdivision agreement approved for Fairway Crossings at Indianhead Golf Club Subdivision required that the Developer install a gravity sewer main for future use and connection to a sanitary sewer interceptor to be located in Husker Highway. After approval of the subdivision agreement the decision was made by both the Grand Island Public Works Department and the subdivider, to hold off on building this main until such time as the Husker Highway interceptor is constructed so that the gravity main could be built to an appropriate depth to match the pipe to be placed in Husker Highway.

The subdivision agreement also specified that the lots in this first phase of the Fairway Crossings Subdivision would be required to pay for their portion of the construction of the interceptor sewer main. This was to be accomplished with each property owner paying their share at the time when they connect to the sewer. Those costs are not known at this time and will not be known until after construction of the project. It is appropriate to amend the agreement to state that the assessments would be made and collected at a later date.

Discussion

The proposed changes to the language in the current subdivision agreement are as follows:

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. The Subdivider shall install a sanitary sewer lift station in an easement to be located on property located at the southwest corner of the intersection of Belfry Boulevard and Augusta Parkway. The Subdivider shall construct a sewage force main from said lift station to the existing public sanitary sewer main on Indianhead Road west of Schroeder Avenue. ~~The Subdivider shall construct a gravity sanitary sewer main in public street right of way or in a public utility easement for future use from the lift station to the location where a future sanitary sewer main will be located along Husker Highway.~~ The Subdivider shall dedicate an easement for construction of a gravity sanitary sewer main from the lift station to the sanitary sewer main planned in Husker Highway. Said gravity main will be constructed as a separate construction project concurrent with or prior to the construction of the Husker Highway interceptor. The property being developed is subject to a proportionate cost share for extending public interceptor sanitary sewer in the future along Husker Highway where it abuts the subdivision. The owner of each lot in the subdivision will be required to pay their proportionate share of the cost for the Husker Highway interceptor sanitary sewer main. Payment may be financed through the sewer assessment process as allowed by law. ~~at the time of the application for a sanitary sewer service permit.~~ The sanitary sewer lift station and sewage force main shall be built in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection. The City shall assume ownership and operation and

maintenance of said sewer lift station and force main upon acceptance by the Department of Public Works.

Without these proposed changes the City will be unable to accept the sewer mains as they have been constructed, even though they were constructed according to plans and specifications approved by the City. Also there is one house that has been constructed that is ready to hook up to sanitary sewer but it cannot be hooked up until such time as the City accepts the sewer line and until either the assessment for the Husker Highway interceptor is paid or the language is changed to allow that payment to be made at some point in the future when the assessment is known.

The attached resolution will authorize the Mayor to sign the amendment to the subdivision agreement and all necessary paperwork to accept the sewer system into the City wastewater system; as well as the insurance rider, which adds the City as an additional obligee for the Performance and Payment Bond issued to The Diamond Engineering Company. This insurance rider will extend the Performance and Payment Bond for a two year period, which will require The Diamond Engineering Company to maintain and remedy work, free from defects in materials and workmanship.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the amendment to the subdivision agreement as shown above and accept the insurance rider.

Sample Motion

Move to approve the amendment to the subdivision agreement and the insurance rider.

RESOLUTION 2011-353

WHEREAS, on February 10, 2009, by Resolution 2009-26, the City Council of the City of Grand Island approved the final plat and Subdivision Agreement for Fairway Crossings at Indianhead Golf Club First Subdivision; and

WHEREAS, the subdivision agreement required that a gravity main be constructed between the lift station and Husker Highway and that assessments for the Husker Highway Interceptor sewer main be paid prior to connecting any new structures to sewer; and

WHEREAS, it has been determined that construction of the gravity main and collection of the assessments should be done concurrent with and following the construction of the Husker Highway Interceptor; and

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

WHEREAS, The Diamond Engineering Company was hired by Indianhead Golf Club for development of the Fairway Crossings at Indianhead Golf Club First Subdivision; and

WHEREAS, The Diamond Engineering Company was issued a Performance and Payment Bond for said work involved in development; and

WHEREAS, the Performance and Payment Bond will be in place for a two year period following completion of said work.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute the amended subdivision agreement for Fairway Crossings at Indianhead Golf Club First Subdivision and the Dual Oblige Rider between the City, The Diamond Engineering Company and Indianhead Golf Club.

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Adopted by the City Council of the City of Grand Island, Nebraska, December 6, 2011.

Jay Vavricek, Mayor

Attest:

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| Approved as to Form | ☐ _____ |
| December 1, 2011 | ☐ City Attorney |

RaNae Edwards, City Clerk