

City of Scottsbluff, Nebraska

Monday, July 6, 2015

Regular Meeting

Item Reports2

Council to consider the Amendment to the Contract for Public Improvements for AFR Holdings, LLC, Premier Subdivision and authorize the Mayor to execute the contract.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: July 6, 2015

AGENDA TITLE: Council to consider a revised developer's agreement for Premier Estates

SUBMITTED BY DEPARTMENT/ORGANIZATION: Planning and Zoning

PRESENTATION BY:

SUMMARY EXPLANATION: AFR Holdings has requested an amendment to the current developer's agreement for Premier Estates. They would like to pave the street, but they do not want to meet minimum City requirements for the street. They are proposing a 24' wide asphalt (3" lift) roadway. Minimum code requirements for a minor street with no parking is 30' wide, and requires a cross section that consists of either 5" concrete or a 4" stabilized base course with a 2" asphalt wear surface. Code also requires sidewalks and curb and gutter.

BOARD/COMMISSION RECOMMENDATION:

STAFF RECOMMENDATION: Because of the location of the subdivision and the lot sizes, staff recommends waiving the requirement for sidewalks and curb and gutter. If they are going to pave the road, though, it should be done so that it will hold up over time, and so should meet the minimum requirements of code for width and cross-section.

EXHIBITS

Resolution ☐

Ordinance ☐

Contract ☒

Minutes ☐

Plan/Map ☐

Other (specify) ☐ _____

NOTIFICATION LIST: Yes ☐ No ☒ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

AMENDMENT TO CONTRACT FOR PUBLIC IMPROVEMENTS

This Amendment to Contract for Public Improvements ("Amendment") is made on _____, 2015 between **City of Scottsbluff, Nebraska**, a Municipal Corporation ("City") and **AFR Holdings, LLC** ("AFR")

RECITALS

- a. City and AFR are the parties to that Contract for Public Improvements dated January 21, 2015 (the "Contract").
- b. The parties desire to amend the Contract as provided for in this Amendment.

For good and valuable consideration, it is agreed as follows:

1. Section 1 of the Contract shall be amended so it states as follows:
 1. **By June 18, 2016 AFR shall cause to be constructed, all in accordance with the plans and specifications to be approved by the City, which approval will not be unreasonably withheld, the following:**
 1. **Approximately 2,800 linear feet of 24 foot wide asphalt (3" lift) roadway centered in a 52 foot wide Right-Of Way with 14 foot wide roadside ditch on each side.**
 2. **Storm water detention dikes to detain approximately 1 acre-feet of storm water runoff.**

The parties recite their understanding that the quantities described above may change when the final plans and specifications are approved.

2. Except as modified by this Amendment, the terms and conditions of the Contract shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

CITY OF SCOTTSBLUFF, NEBRASKA

By: _____
Mayor

Dated: _____

Attest:

City Clerk

AFR Holdings, LLC

By: _____
Adam Reed, Member

Dated: _____