

City of Scottsbluff, Nebraska

Monday, April 24, 2017

Regular Meeting

Item NewBiz1

Final Plat Hilltop Estates

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: April 24, 2017
Subject: Final Plat Hilltop Estates Subdivision
Location: South of 42nd St and East of Fairview Cemetery

Zoning: R-1A
Property Size: 32.37 acres

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property.

Background

The applicant(s), Kosman, Inc., represented by Baker and Associates have requested approval of a Final Plat of the Hilltop Estates Subdivision. The property is situated south of 42nd Street, and east of Fairview Cemetery. The final plat includes 42 residential lots, which are divided into five different blocks. The blocks are number 3-7 to avoid confusion with previously platted blocks 1 and 2.

Some of the lots on the north side of Blocks 3 and 7 are specially designed to account for existing homes and outbuildings. These structures will remain in place after development of the subdivision. The property is already zoned residential, so no zone changes would be required.

The preliminary plat for the property was approved at the February 13th Planning Commission meeting. The developer will be required to install a lift station for sanitary sewer, which will be located in the southwest corner of the development, on Tract C. In consideration of new regulatory requirements, the City is going to require all new development to direct stormwater runoff to regional stormwater facilities. This minimizes the amount of developable land that developers must use for stormwater retention and makes maintenance more affordable. The developers would pay an impact fee to the City in return for the City accepting their stormwater, which the City would then use to pay for developing and maintaining these facilities. The stormwater impact fee and the installation of all water, sewer, and street improvements will be addressed in the Developer's Agreement, which will be considered by Council before they can approve the Final Plat.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve the final plat of Hilltop Estates Subdivision, situated in the NW ¼ of Section 13, T22N, R55W of the 6th P.M, Scotts Bluff County, Nebraska subject to the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the final plat of Hilltop Estates Subdivision, situated in the NW ¼ of Section 13, T22N, R55W of the 6th P.M, Scotts Bluff County, Nebraska for the following reason(s):

Table

Make the motion to TABLE the final plat of Hilltop Estates Subdivision, situated in the NW ¼ of Section 13, T22N, R55W of the 6th P.M, Scotts Bluff County, Nebraska for the following reason(s):

Final Plat Request, Page 1

FINAL PLAT
LOTS 1-13 BLOCK 3, LOTS 1-8, BLOCK 4, LOTS 1-5, BLOCK 5 AND LOTS 1-3,
BLOCK 6, LOTS 1-12 AND TRACTS B & C, BLOCK 7, HILLTOP ESTATES
SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA
 SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE
 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions		
Date	Description	Initials
09-27-16	DRAFTED SURVEY	CJG
02-28-17	REVISED SURVEY	CJG
04-17-17	REVISED SURVEY	CJG



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 Engineers * Architects * Surveyors
 COPYRIGHT

Land Survey & Final Plat of Hilltop Estates			
Title Sheet			
Baker Project Number: 6157-007-16			
Project Location: Scottsbluff, Scotts Bluff County Nebraska			
Owners: Kosman			
Project Code	Last Mod. Date	Subset	Sheet No.
6157	04-17-2017	1 of 2	2

EXTERIOR BOUNDARY FOR HILLTOP ESTATES PROPERTY DESCRIPTION
 A PARCEL OF LAND CONTAINING 1,409,935 SQ. FT. (32.37 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, WHENCE NORTH QUARTER BEARS SOUTH 88°08'36" EAST, A DISTANCE OF 2661.46 FEET, THENCE SOUTH 88°08'36" EAST, A DISTANCE OF 1491.48 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13 AND THE PROPERTY DESCRIBED AT INSTRUMENT NUMBER 2016-3789 OF THE SCOTTS BLUFF COUNTY RECORDS, THENCE SOUTH 02°16'11" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE WEST LINE OF THE PROPERTY DESCRIBED AT SAID INSTRUMENT NUMBER 2016-3789, SOUTH 02°16'11" WEST, A DISTANCE OF 1066.20 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED AT SAID INSTRUMENT NUMBER 2016-3789 AND TO A RECORD CORNER SHOWN ON RECORD OF SURVEY COMPLETED BY LS 476 ON APRIL 21, 1992 OF THE FAIRVIEW CEMETERY;

THENCE CONTINUING ALONG SAID RECORD OF SURVEY THE FOLLOWING COURSES (3) THREE COURSES:
 1. SOUTH 02°16'11" WEST, A DISTANCE OF 3.00 FEET;
 2. THENCE SOUTH 55°32'59" EAST, A DISTANCE OF 65.80 FEET;
 3. THENCE SOUTH 40°29'00" EAST, A DISTANCE OF 242.48 FEET (MEASURED) TO A POINT ON THE NORTH LINE OF BLOCK 6 MCKINLEY FOURTH ADDITION RECORDED AT BOOK 120, PAGE 144 OF THE SCOTTS BLUFF COUNTY RECORDS;

THENCE ALONG SAID NORTH LINE OF SAID BLOCK 6, SOUTH 88°14'16" EAST, A DISTANCE OF 953.09 FEET TO A POINT AT THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT INSTRUMENT NUMBER 2006-1130 OF THE SCOTTS BLUFF COUNTY RECORDS AND BEING ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 13;

THENCE ALONG SAID NORTH-SOUTH CENTERLINE OF SECTION 13 NORTH 02°07'24" EAST, A DISTANCE OF 842.76 FEET TO A POINT A THE SOUTHEAST CORNER OF HILLTOP ESTATES BLOCK 2 RECORDED AT BOOK 125, PAGE 312 OF THE SCOTTS BLUFF COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID BLOCK 2, NORTH 88°16'38" WEST, A DISTANCE OF 200.00 FEET TO THE SOUTH WEST CORNER OF SAID BLOCK 2;

THENCE ALONG THE WEST LINE OF SAID BLOCK 2, NORTH 02°07'23" EAST, A DISTANCE OF 440.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF 42ND STREET AS PLATTED THE HILLTOP ESTATES SUBDIVISION RECORDED AT BOOK 125, PAGE 312 OF THE SCOTTS BLUFF COUNTY RECORDS;

THENCE NORTH 88°08'36" WEST, A DISTANCE OF 569.69 FEET;

THENCE NORTH 01°51'03" EAST, A DISTANCE OF 50.00 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13, NORTH 88°08'36" WEST, A DISTANCE OF 400.05 FEET;

THENCE SOUTH 02°16'11" WEST, A DISTANCE OF 50.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,409,935 SQ. FT. (32.37 ACRES), MORE OR LESS.

- SURVEY NOTES**
- BAKER AND ASSOCIATES, INC., PERFORMED ALL NECESSARY RESEARCH TO ESTABLISH CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN HERE ON, UTILIZING CURRENT VESTING DOCUMENTS FROM PUBLIC RECORDS. A TITLE REPORT WAS ALSO PROVIDED BY FERGUSON TITLE SERVICES COMPANY TO VERIFY ALL OWNERSHIP AND RESEARCH. THIS DOCUMENT REFERENCES TITLE REPORT DATED NOVEMBER 8TH, 2016 AND 8:00 A.M.
 - THE MONUMENTATION RECOVERED WAS LOCATED BY A COMBINATION OF GLOBAL POSITIONING SYSTEM (GPS) FAST STATIC, RTK AND RTK DATA LOGGING TECHNIQUES. CONVENTIONAL SURVEY METHODS WERE APPLIED WHEN REQUIRED.
 - BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE LINE CONNECTING THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN AND THE NORTH QUARTER CORNER OF SAID SECTION 13, BEING A GRID BEARING OF SOUTH 88°08'36" EAST A DISTANCE OF 2661.46 FEET AS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE NEBRASKA HIGH ACCURACY REFERENCE NETWORK (NHARN). SAID GRID BEARING IS NAD 83 (2011) NEBRASKA STATE PLANE ZONE 2600.
 - ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET.
 - NOTICE: YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION, BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 - THE ABOVE DESCRIBE PROPERTY IS BEING ANNEXED INTO THE CITY OF SCOTTSBLUFF PER THE APPROVAL OF THIS PLAT .

ANNEXATION APPROVAL AND ACCEPTANCE

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA THE THE REAL ESTATE WHICH IS PLATTED AS LOTS 1-13 BLOCK 3, LOTS 1-8, BLOCK 4, LOTS 1-5, BLOCK 5 AND LOTS 1-3, BLOCK 6, LOTS 1-12 AND TRACTS B & C, BLOCK 7, HILLTOP ESTATES SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, PURSUANT TO SECTION 19-916 OF THE NEBRASKA REVISED STATUTES AND SECTION 21-1-61 OF THE SCOTTSBLUFF MUNICIPAL CODE SHALL BE INCLUDED WITHIN THE CORPORATE LIMITS OF THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA SHALL BE AND BECOME A PART OF SAID CITY FOR ALL PURPOSES WHATSOEVER, THAT THE INHABITANTS OF SAID ADDITION SHALL BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES, AND SHALL BE SUBJECT TO ALL THE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE CITY OF SCOTTSBLUFF, NEBRASKA.

BE IT FURTHER RESOLVED THAT THE INCLUSION OF BLOCK 1 AND BLOCKS 3-6, HILLTOP ESTATES SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA WITHIN THE CORPORATE LIMITS OF THE CITY OF SCOTTSBLUFF, NEBRASKA IS SUBJECT TO THE FINAL PLAT BEING FILED WITH THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS.
 PASSED AND APPROVED THIS _____ DAY OF _____, 2017.

BY: _____
 NATHAN JOHNSON, CITY MANAGER

ATTESTED: CITY CLERK

APPROVAL AND ACCEPTANCE

THE FOREGOING PLAT OF LOTS 1-13 BLOCK 3, LOTS 1-8, BLOCK 4, LOTS 1-5, BLOCK 5 AND LOTS 1-3, BLOCK 6, LOTS 1-12 AND TRACTS B & C, BLOCK 7, HILLTOP ESTATES SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA, BY RESOLUTION DULY PASSED THIS _____ DAY OF _____, 2017.

BY: _____
 NATHAN JOHNSON, CITY MANAGER

ATTESTED: CITY CLERK

OWNER'S STATEMENT

I BEING THE UNDERSIGNED, BEING THE OWNER OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., IN SCOTTS BLUFF COUNTY NEBRASKA, STATE THE FOREGOING, PLAT LOTS 1-13 BLOCK 3, LOTS 1-8, BLOCK 4, LOTS 1-5, BLOCK 5 AND LOTS 1-3, BLOCK 6, LOTS 1-12 AND TRACTS B & C, BLOCK 7, HILLTOP ESTATES SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER:

OWNER: REPRESENTATIVE OF KOSMAN INC. _____

ACKNOWLEDGMENT:

STATE OF NEBRASKA)
 COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME _____, A REPRESENTATIVE OF KOSMAN INC. TO ME KNOWN TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTORIAL SEAL THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

INDEX OF SHEETS

- PAGE 1 TITLE SHEET
- PAGE 2 PLAN SHEET

SURVEYOR'S CERTIFICATE

I, CARL JOHN GILBERT, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE IN APRIL 2017, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF NEBRASKA DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE SCOTTS BLUFF COUNTY AND THE CITY OF SCOTTSBLUFF SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 2017.



CARL JOHN GILBERT
 NEBRASKA PROFESSIONAL LAND SURVEYOR NO. 731
 FOR AND ON BEHALF OF BAKER AND ASSOCIATES INC.
 PHONE : 308-632-3123

OWNER'S STATEMENT

I BEING THE UNDERSIGNED, BEING THE OWNER OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., IN SCOTTS BLUFF COUNTY NEBRASKA, STATE THE FOREGOING, PLAT LOTS 1-13 BLOCK 3, LOTS 1-8, BLOCK 4, LOTS 1-5, BLOCK 5 AND LOTS 1-3, BLOCK 6, LOTS 1-12 AND TRACTS B & C, BLOCK 7, HILLTOP ESTATES SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA SHOWN HEREON, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER:

OWNER: REPRESENTATIVE OF KOSMAN INVESTMANTS LLC _____

ACKNOWLEDGMENT:

STATE OF NEBRASKA)
 COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME _____, A REPRESENTATIVE OF KOSMAN INVESTMANTS LLC TO ME KNOWN TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTORIAL SEAL THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC

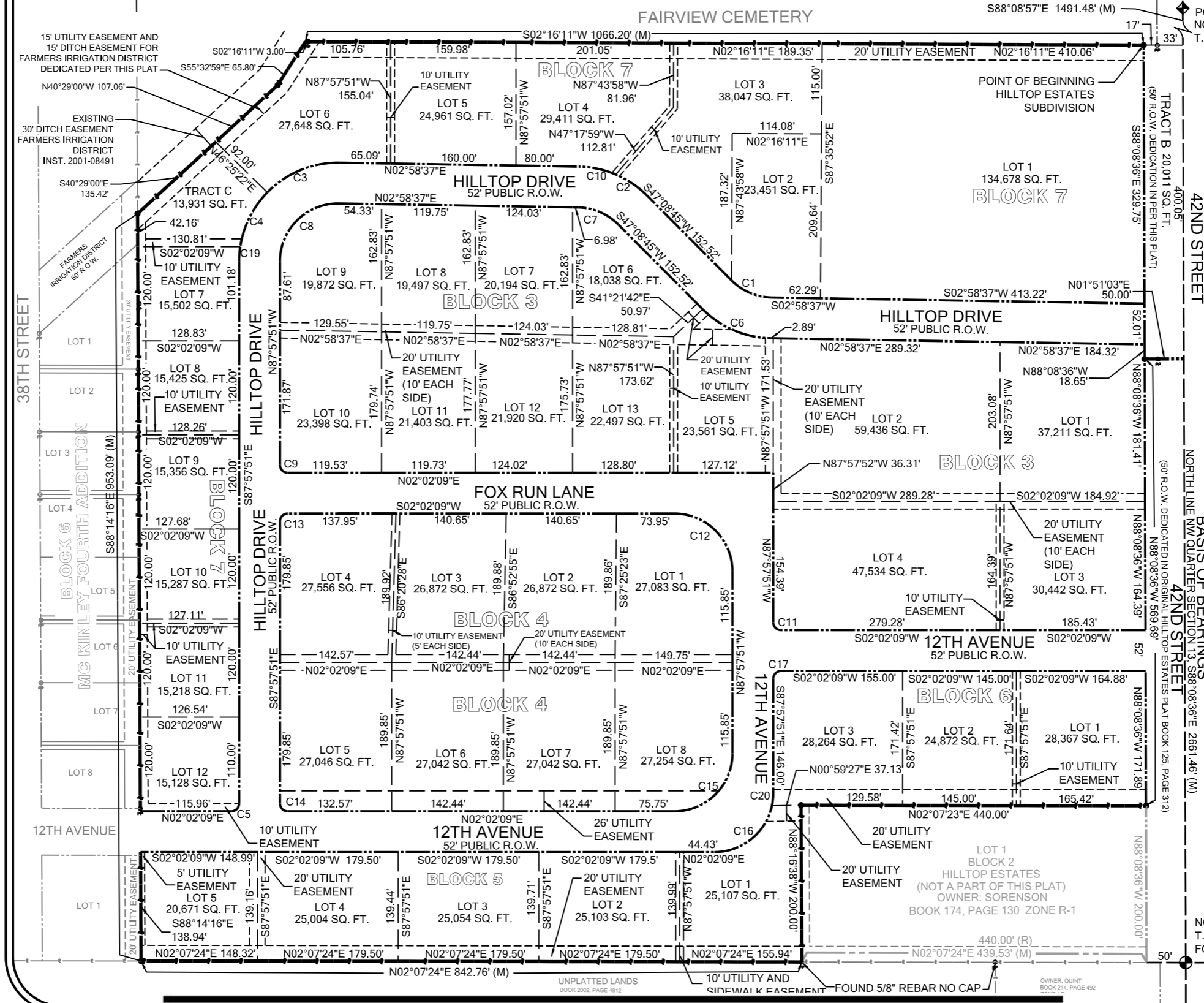
MY COMMISSION EXPIRES: _____

FINAL PLAT
LOTS 1-13 BLOCK 3, LOTS 1-8, BLOCK 4, LOTS 1-5, BLOCK 5 AND LOTS 1-3,
BLOCK 6, LOTS 1-12 AND TRACTS B & C, BLOCK 7, HILLTOP ESTATES
SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA
 SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE
 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

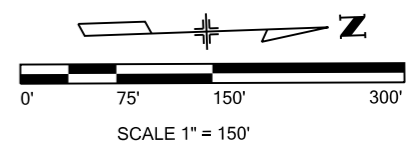
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Date	Description	Initials
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Baker Associates Inc.
 www.baker-eng.com
 Engineers * Architects * Surveyors
 COPYRIGHT

Land Survey & Final Plat of Hilltop Estates			
Plan Sheet			
Baker Project Number: 6157-007-16			
Project Location: Scottsbluff, Scotts Bluff County Nebraska			
Owners: Kosman			
Project Code	Last Mod. Date	Subset	Sheet No.
6157	04-17-2017	1 of 2	2



POINT OF COMMENCEMENT
 NORTHWEST CORNER OF SECTION 13,
 T. 22 N., R. 55 W., 6TH P.M.



- SURVEY LEGEND**
- INDICATES SET 5/8" REBAR AND 1-5/16" ORANGE PLASTIC CAP, STAMPED "BAKER PLS 731", SET FLUSH WITH SURFACE.
 - ◆ INDICATES FOUND SECTION CORNER AS DESCRIBED, ALSO SEE NEW CORNER RECORD FILED AT THE STATE SURVEYORS OFFICE
 - ⊙ INDICATES FOUND QUARTER CORNER AS DESCRIBED, ALSO SEE NEW CORNER RECORD FILED AT THE STATE SURVEYORS OFFICE
 - (M) INDICATES MEASURED DISTANCE BY BAKER AND ASSOCIATES

CURVE DATA

CURVE NAME	RADIUS	DELTA	ARC LENGTH	CHORD	CH. BEARING
C1	74.00'	44°10'08"	57.05'	55.64'	S 25°03'41"W
C2	126.00'	22°05'04"	48.57'	48.27'	S 36°06'13"W
C3	126.00'	46°33'15"	102.38'	99.58'	S 20°18'00"E
C4	126.00'	35°47'57"	78.73'	77.45'	S 61°28'36"E
C5	10.00'	90°00'00"	15.71'	14.14'	S 42°57'51"E
C6	126.00'	44°10'08"	97.13'	94.75'	N 25°03'41"E
C7	74.00'	44°10'08"	57.05'	55.64'	N 25°03'41"E
C8	74.00'	90°56'28"	117.45'	105.51'	N 42°29'37"W
C9	10.00'	90°00'00"	15.71'	14.14'	S 47°02'09"W
C10	126.00'	22°05'04"	48.57'	48.27'	S 14°01'09"W
C11	10.00'	90°00'00"	15.71'	14.14'	S 47°02'09"W
C12	74.00'	90°00'00"	116.24'	104.65'	N 47°02'09"E
C13	10.00'	90°00'00"	15.71'	14.14'	N 42°57'51"W
C14	10.00'	90°00'00"	15.71'	14.14'	S 47°02'09"W
C15	74.00'	90°00'00"	116.24'	104.65'	S 42°57'51"E
C16	75.00'	77°45'24"	101.78'	94.15'	N 36°50'34"W
C17	10.00'	90°00'00"	15.71'	14.14'	N 42°57'51"W
C19	126.00'	08°35'17"	18.89'	18.87'	S 83°40'13"E
C20	75.00'	12°14'36"	16.03'	16.00'	N 81°50'34"W

NORTH QUARTER OF SECTION 13,
 T. 22 N., R. 55 W., 6TH P.M.
 FOUND 7/8" REBAR, NO CAP, DOWN 0.4' BELOW SURFACE