

# **City of Scottsbluff, Nebraska**

**Monday, May 15, 2017**

**Regular Meeting**

## **Item Pub. Hear.4**

**Council to consider a Final Plat for Hilltop Estates, situated South of 42nd Street and East of Fairview Cemetery and approve the Resolution.**

**Staff Contact: Annie Folck, City Planner**

# Agenda Statement

Item No.

For meeting of: May 1, 2017

**AGENDA TITLE:** Final Plat for Hilltop Estates

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Development Services Department

**PRESENTATION BY:**

**SUMMARY EXPLANATION:** Baker and Associates has submitted a Final Plat for Hilltop Estates on behalf of property owners Kosman, Inc. for review and approval by the Planning Commission & City Council.

The property is in the City's extra territorial jurisdiction and situated south of 42<sup>nd</sup> St and east of Fairview Cemetery. City staff and Consultants have reviewed the preliminary plat and proposed infrastructure to the property. The area is approximately 32± acres and will be developed into forty one (41) lots with the majority ranging in size from 15,000-25,000 square feet. There are a few lots that are larger as the site plan is designed to allow for several existing structures (homes and outbuildings) to remain in place. Each lot will be served by City utilities, with the developer to provide water and sewer lines, including a lift station for sanitary sewer.

Due to new regulatory requirements that make the City responsible for overseeing inspections and maintenance for all publicly or privately owned retention facilities, the City will be developing a policy by which stormwater runoff from new developments will be directed to regional stormwater basins rather than kept on site-specific facilities. In return for accepting their stormwater, the City would charge an impact fee at the time that a building permit is obtained. Hilltop Estates will be the first subdivision that will use this model. There are three sub-basins within the drainage area. While it would be the City's preference for all of the runoff to drain to regional facilities, due to the very flat gradation of the property, there will be one small on-site retention area. The rest of the runoff will be directed south to the existing retention basin south of the SWBC building, and north to a retention basin that will be constructed on City property next to the soccer complex. The fee to be paid to the City in return for accepting runoff from the development is outlined in the Developer's Agreement.

**BOARD/COMMISSION RECOMMENDATION:** At a regular meeting held on April 24, 2017 the Planning Commission recommended approval of the Final Plat for Hilltop Estates

**STAFF RECOMMENDATION:** Approve Final Plat of Hilltop Estates

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## EXHIBITS

Resolution ☐ Ordinance ☐ Contract ☐ Minutes x Plan/Map x

Other (specify) ☐ \_\_\_\_\_

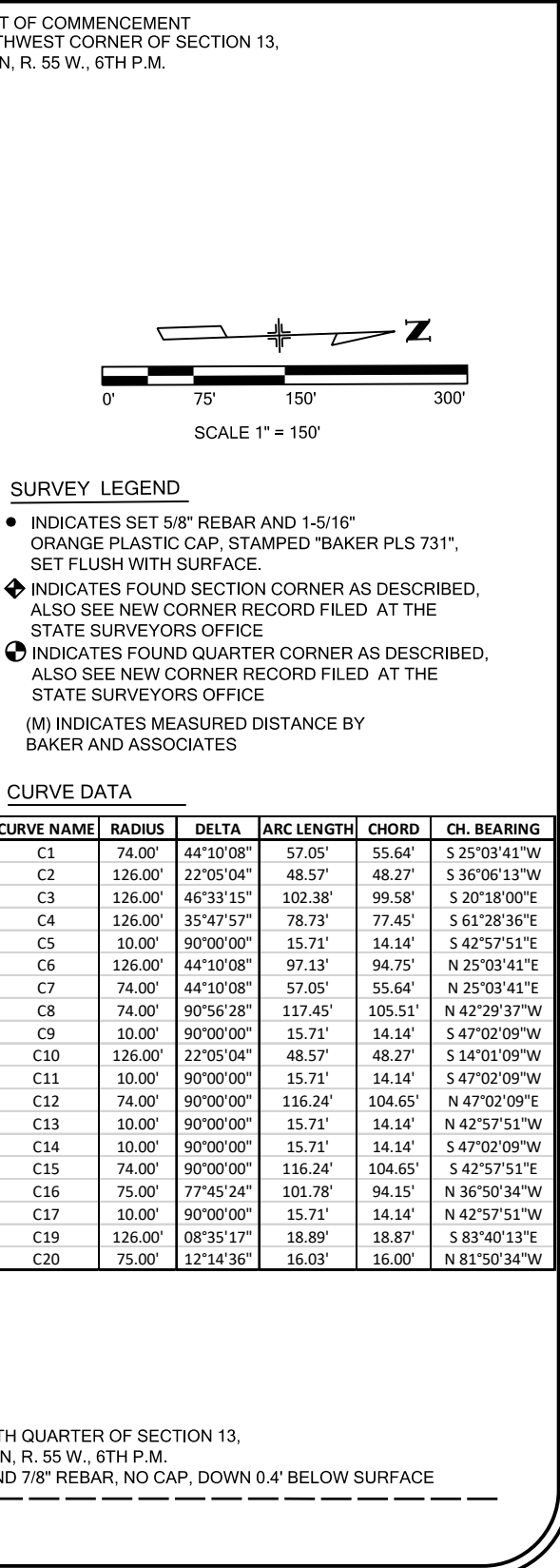
**NOTIFICATION LIST:** Yes ☐ No ☐ Further Instructions ☐

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

Rev 3/1/99CClerk

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

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



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
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Baker

Associates

Inc.

www.baker-eng.com

Engineers \* Arohltects \* Surveyors

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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 BOUNDRY 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

1. 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.

2. 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.

3. 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.

4. ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET.

5. 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.

6. 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 REPRESENTIVE 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

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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.

NEBRASKA

REGISTERED

4-13-2017

LS-731

CARL JOHN GILBERT

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 REPRESENTIVE 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: \_\_\_\_\_



## RESOLUTION 17-\_\_\_\_\_

**WHEREAS**, a request has been submitted by Kosman, Inc., a Wyoming corporation and Kosman Investments, LLC, a Nebraska Limited Liability Company, as the owners for the inclusion 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 within the corporate limits and boundaries of the City of Scottsbluff, Nebraska, and said real estate being described as a tract of land located in the NW 3 of Section 13, Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, Scotts Bluff County, Nebraska, more particularly described as follows:

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:

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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.

**WHEREAS**, the Scottsbluff City Planning Commission has received a request and held a public hearing on April 24, 2017 on the approval of a plat and inclusion 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 within the corporate limits and recommend the Scottsbluff City Council approve the plat and request to include within the corporate limits; and

**WHEREAS**, said request to include the land within the corporate limits was duly signed by the owners of the real estate affected with the express intent of platting the real estate 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, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska; and

**WHEREAS**, a public hearing was held by the Scottsbluff City Council relating to the request on May 1, 2017, to approve the plat and deem the addition to be included within the corporate limits as it was advantageous to and in the best interests of the City of Scottsbluff.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Scottsbluff, Nebraska that the 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, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, duly made out, acknowledged and certified,

and the same hereby is approved and that the Mayor of the City of Scottsbluff, Nebraska shall be and is authorized and directed to execute the final plat on behalf of the City of Scottsbluff, Nebraska.

**PASSED AND APPROVED** this \_\_\_\_ day of May, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk                      (Seal)