



City of Grand Island

Tuesday, April 12, 2016

Council Session

Item D-2

#2016-BE-4 - Consideration of Determining Benefits for Sanitary Sewer Dist. No. 537T, Extension of Sanitary Sewer to Serve Lots 1 & 2, TLST Spiehs Subdivision & Part of the North Ten (10) Acres of the W Half of the NW Quarter (W1/2NW1/4) all In Section 10-11-9

Council action will take place under Ordinance item F-2.

Staff Contact: John Collins, P.E. - Public Works Director

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: April 12, 2016

Subject: Consideration of Determining Benefits for Sanitary Sewer District No. 537T, Extension of Sanitary Sewer to Serve Lot One (1) And Lot Two (2), TLST Spiehs Subdivision And Part Of The North Ten (10) Acres Of The West Half Of The Northwest Quarter (W1/2NW1/4) All In Section Ten (10), Township Eleven (11) North, Range Nine (9) West

Presenter(s): John Collins PE, Public Works Director

Background

The Certificate of Final Completion for Sanitary Sewer District No. 537T was approved on March 8, 2016 with April 12, 2016 set as the date for Council to sit as the Board of Equalization. All work has been completed and special fees have been calculated for the tap district.

Discussion

Sanitary Sewer District No. 537T was created by City Council on November 10, 2015, via Ordinance No. 9564. Such sanitary sewer district construction was combined with North Interceptor Phase II work.

Work on the tap district was completed at a total price of \$177,026.57. Costs for the district break down as follows:

	Quantity	Unit	Unit Cost	Total Cost
8" Sanitary Sewer Line	1269.00	LF	\$ 65.80	\$ 83,500.20
4" Sanitary Sewer Service	104.00	LF	\$ 70.00	\$ 7,280.00
Sanitary Sewer Service Connection	13.00	EA	\$ 1,000.00	\$ 13,000.00
48" Diameter Manhole	7.00	EA	\$ 4,550.00	\$ 31,850.00
Tree Removal	1.00	LS	\$ 6,825.00	\$ 6,825.00
Lawn Seed application	1.14	AC	\$ 1,100.00	\$ 1,254.00
Remove and Replace Fence (wire)	794.00	LF	\$ 6.00	\$ 4,764.00
Remove and Replace Fence (wood board)	126.00	LF	\$ 21.53	\$ 2,712.78
Remove and Reset Playground Equipment	1.00	LS	\$ 500.00	\$ 500.00

Miscellaneous Removals	1.00	LS	\$ 500.00	\$ 500.00
Mobilization	1.00	LS	\$ 7,609.30	\$ 7,609.30
<i>SUBTOTAL</i>				<i>\$ 159,795.28</i>
Easements				
Temporary Easements (3)	1.00	LS	\$ 2,500.00	\$ 2,500.00
Permanent Easements (2)	1.00	LS	\$ 1,000.00	\$ 1,000.00
<i>SUBTOTAL</i>				<i>\$ 3,500.00</i>
Engineering Costs	1.00	LS	\$ 13,731.29	\$ 13,731.29
<i>SUBTOTAL</i>				<i>\$ 13,731.29</i>

TOTAL DISTRICT 537T COSTS \$ 177,026.57

That cost is apportioned to each of the properties within the district based upon equal division of lots served to determine the connection fee. Properties that have already made connection to the sanitary sewer main prior to installation of the new main will be given credit towards their tap fee calculation from their pre-existing sanitary sewer agreement. Connection fees will be collected prior to the properties being connected to City sanitary sewer service. Unlike an assessment district which allows for payments to be spread over a 10 year period at 7% simple interest with the first payment of principle only due 10 days after the ordinance is filed, the tap fees are not due until such time the property owner chooses to connect to the City sanitary sewer main and is due in full at that time.

The allocation for District 537T was completed at a construction price of \$177,026.57, with existing agreement credits of \$1,112.76 and a contract credit of \$80,000.03 for a revised tap fee total of \$95,913.78.

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

Public Works Administration recommends that the Council sit as the Board of Equalization to determine benefits and pass an Ordinance to levy a Special Tap Fee to individual properties.

Sample Motion

(Sample Motion for the Board of Equalization)

Move to approve the resolution determining benefits for Sanitary Sewer District No. 537T.

(Sample Motion for the Ordinance)

Move to approve the Ordinance levying the tap fees for Sanitary Sewer District No. 537T.

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

AFFIDAVIT OF MAILING

RaNae Edwards, City Clerk, being first duly sworn on oath, deposes and says that she is the duly appointed and acting City Clerk of the City of Grand Island, Nebraska, and that on March 22, 2016, she mailed copies of the "Notice of Board of Equalization Hearing – Sanitary Sewer District 537T", which notice was first published in the Grand Island Independent on March 22, 2016, to the following named parties:

Jose & Martha Haro
224 N Carey Ave
Grand Island, NE 68803

Anna Lee Young
Life Est B Haycock & B Hardenbroc
713 E Capital Ave
Grand Island, NE 68801

Juan Rico
Anna M Villa De Rico
1729 N St Paul Rd
Grand Island, NE 68801

JK Investments, LLC
1722 Holland Dr
Grand Island, NE 68801

Rhonda Coon
Ricky Coon
1725 N St Paul Rd
Grand Island, NE 68803

Sergio Urbina
Idalia Urbina
805 E Capital Ave
Grand Island, NE 68801

Gary Ummel
Estel Ummel
1723 St Paul Rd
Grand Island, NE 68801

Cruz C Ramos Sr
Minerva M Ramos
831 E Capital Ave
Grand Island, NE 68801

*Timothy S Grudzinski
Cassandra L Grudzinski
PO Box 242
Giltner, NE 68841-0242

Ronald Peter Pfenning
839 E Capital Ave
Grand Island, NE 68801

Reinier Fernandez Solorzano
623 E Capital Ave
Grand Island, NE 68801

Timothy S Spiehs
Lisa M Spiehs
909 E Capital Ave
Grand Island, NE 68801

Wesley T Tjaden
701 E Capital Ave
Grand Island, NE 68801

Such communications were properly posted and deposited in the United States mail.

Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

Affiant further states that she, and her attorney, after diligent investigation and inquiry, were unable to ascertain and does not know the post office address of any other party appearing to have a direct legal interest in the proceedings other than the above parties to whom notice has been mailed.

DATED: March 22, 2016

RaNae Edwards
RaNae Edwards, City Clerk

Subscribed and sworn to before me this 22nd date March, 2016.



C. M. DeLoach
Notary Public

NOTICE OF BOARD OF EQUALIZATION HEARING

Sanitary Sewer District No. 537T;
Extension of Sanitary Sewer to Serve Lot One (1) And Lot Two (2), TLST Spiehs
Subdivision And Part Of The North Ten (10) Acres Of The West Half
Of The Northwest Quarter (W1/2NW1/4) All In Section Ten (10),
Township Eleven (11) North, Range Nine (9) West

NOTICE is hereby given to all persons owning real estate in Sanitary Sewer District No. 537T in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on April 12, 2016 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the sanitary sewer improvements therein. All owners of real estate within said sanitary sewer district, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council, Grand Island, Nebraska.

RaNae Edwards, City Clerk

Publication Dates:

March 22, 2016

March 29, 2016

April 5, 2016

CLASSIFIED 7B

Legals

NOTICE OF BOARD OF EQUALIZATION HEARING

Sanitary Sewer
District No. 537T;
Extension of Sanitary Sewer to
Serve Lot One (1) And Lot Two
(2), TLST Spotts Subdivision
And Part Of The North Ten (10)
Acres Of The West Half
Of The Northwest Quarter
(W1/2NW1/4) All In
Section Ten (10),
Township Eleven (11) North,
Range Nine (9) West

NOTICE is hereby given to all persons owning real estate in Sanitary Sewer District No. 537T in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on April 12, 2016 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the sanitary sewer improvements therein. All owners of real estate within said sanitary sewer district, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council,
Grand Island, Nebraska.

RaNae Edwards, City Clerk
22-29-5

DRAFT

This Space Reserved for Register of Deeds

ORDINANCE NO. _____

An ordinance assessing and levying a special tax to pay the cost of construction of Sanitary Sewer District No. 537T of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sanitary sewer improvements in said Sanitary Sewer District No. 537T, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

Parcel No.	Owner	Legal Description	Assessment by Frontage
400205955	Jose Haro Martha Haro	Misc Tracts 10-11-9 PT W ½ NW ¼ .41 Ac	\$7,463.58
400205963	Juan Rico Anna M Villa De Rico	Misc Tracts 10-11-9 PT W ½ NW ¼ .15 Ac	\$7,463.58

Approved as to Form ☐ _____
March 22, 2016 ☐ City Attorney

DRAFT

400206080	Rhonda Coon Ricky Coon	Misc Tracts 10-11-9 PT W ½ NW ¼ .46 Ac	\$7,463.58
400214059	Gary Ummel Estel Ummel	Lot 2, TLST Spiehs Subdivision	\$7,463.58
400205939	Timothy S Grudzinski Cassandra L Grudzinski	Misc Tracts 10-11-9 W ½ of PT N 10 A of PT W ½ NW ¼ .50 Ac	\$7,463.58
400205920	Reinier Fernandez Solorzano	Misc Tracts 10-11-9 E ½ of PT N 10 A of PT W ½ NW ¼ .50 Ac	\$7,463.58
400206056	Wesley T Tjaden	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400205947	Anna Lee Young Life Est B Haycock & B Hardenbroc	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400206013	JK Investments, LLC	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400206005	Sergio Urbina Idalia Urbina	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$6,350.82
400205912	Cruz C Ramos, Sr. Minerva M Ramos	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400205904	Ronald Peter Pfenning	Misc Tracts 10-11-9 PT W ¼ NW ½ 1 Ac	\$7,463.58
400206048	Timothy S Spiehs Lisa M Spiehs	Lot 1, TLST Spiehs Subdivision	\$7,463.58

TOTAL TAP FEES**\$95,913.78**

SECTION 2. The special tax shall be paid in full prior to connection to the City's sanitary sewer collection system.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Sewer Tap Fee Fund" for Sanitary Sewer District No. 537T.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: April 12, 2016.

Jeremy L. Jensen, Mayor

ORDINANCE NO. _____ (Cont.)

DRAFT

Attest:

RaNae Edwards, City Clerk

RESOLUTION 2016

DRAFT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District No. 537T, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district 537T to be the total sum of \$177,026.57, with existing agreement credits of \$1,112.76 and a contract credit of \$80,000.03 for a credited total of \$95,913.78; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 537T, such benefits are the sums set opposite the several descriptions as follows:

Parcel No.	Owner	Legal Description	Assessment by Frontage
400205955	Jose Haro Martha Haro	Misc Tracts 10-11-9 PT W ½ NW ¼ .41 Ac	\$7,463.58
400205963	Juan Rico Anna M Villa De Rico	Misc Tracts 10-11-9 PT W ½ NW ¼ .15 Ac	\$7,463.58
400206080	Rhonda Coon Ricky Coon	Misc Tracts 10-11-9 PT W ½ NW ¼ .46 Ac	\$7,463.58
400214059	Gary Ummel Estel Ummel	Lot 2, TLST Spiehs Subdivision	\$7,463.58
400205939	Timothy S Grudzinski Cassandra L Grudzinski	Misc Tracts 10-11-9 W ½ of PT N 10 A of PT W ½ NW ¼ .50 Ac	\$7,463.58
400205920	Reinier Fernandez Solorzano	Misc Tracts 10-11-9 E ½ of PT N 10 A of PT W ½ NW ¼ .50 Ac	\$7,463.58
400206056	Wesley T Tjaden	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400205947	Anna Lee Young Life Est B Haycock & B Hardenbroc	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400206013	JK Investments, LLC	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400206005	Sergio Urbina Idalia Urbina	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$6,350.82
400205912	Cruz C Ramos, Sr. Minerva M Ramos	Misc Tracts 10-11-9 PT W ½ NW ¼ 1 Ac	\$7,463.58
400205904	Ronald Peter Pfenning	Misc Tracts 10-11-9 PT W ¼ NW ½ 1 Ac	\$7,463.58
400206048	Timothy S Spiehs Lisa M Spiehs	Lot 1, TLST Spiehs Subdivision	\$7,463.58
TOTAL TAP FEES			\$95,913.78

Adopted by the City Council of the City of Grand Island, Nebraska, April 12, 2016.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
March 22, 2016 ☐ City Attorney

RESOLUTION 2016-BE-4

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District No. 537T, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district 537T to be the total sum of \$177,026.57, with existing agreement credits of \$1,112.76 and a contract credit of \$80,000.03 for a revised tap fee total of \$95,913.78; and

Such benefits are equal and uniform; and

According to the equal division of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 537T, such benefits are the sums set opposite the several descriptions as follows:

Parcel No.	Owner	Legal Description	Tap Fee
400205955	Jose Haro Martha Haro	Misc Tracts 10-11-9 PT W ½ NW ¼ .41 Ac	\$7,463.58
400205963	Juan Rico Anna M Villa De Rico	Misc Tracts 10-11-9 PT W ½ NW ¼ .15 Ac	\$7,463.58
400206080	Rhonda Coon Ricky Coon	Misc Tracts 10-11-9 PT W ½ NW ¼ .46 Ac	\$7,463.58
400214059	Gary Ummel Estel Ummel	Lot 2, TLST Spiehs Subdivision	\$7,463.58
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TOTAL TAP FEES			\$95,913.78

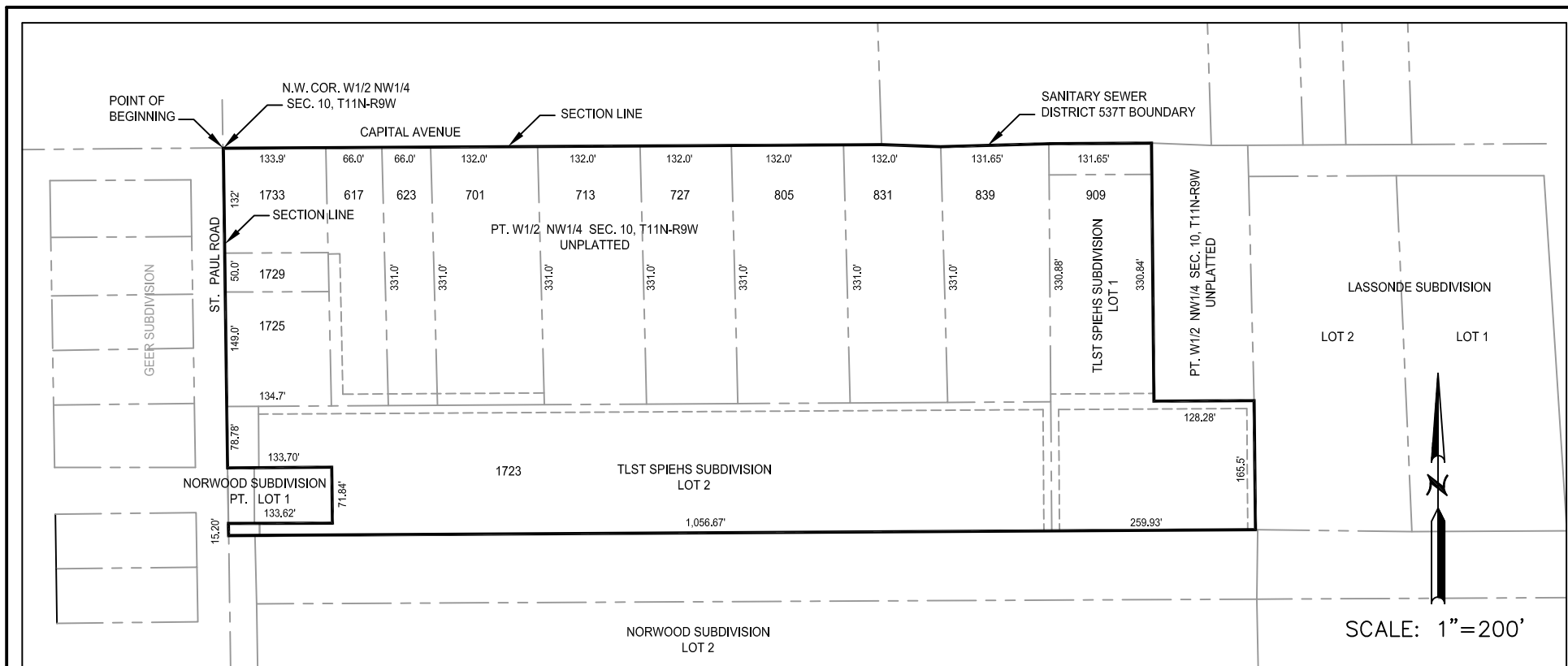
Adopted by the City Council of the City of Grand Island, Nebraska, April 12, 2016.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
April 8, 2016 ☐ City Attorney



A Sanitary Sewer Tap District comprising of Lot One (1) and Lot Two (2), TLST Spiehs Subdivision and part of the North Ten (10) Acres of the West Half of the Northwest Quarter (W1/2NW1/4) all in Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Beginning at the Northwest corner of said West Half of the Northwest Quarter (W1/2NW1/4), being the ACTUAL Point of Beginning, running thence East parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Thousand One Hundred Eighty Nine Feet and Fifty Five Hundredths (1,189.55); running thence South parallel to the West line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), Three Hundred Thirty Feet and Eighty Four Hundredths (330.84); running thence East parallel to the North line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Twenty Eight Feet and Twenty Eight Hundredths (128.28); running thence South parallel to the West line of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Sixty Five Feet and Fifty Five Hundredths (165.50), said point being the Southeast (SE) Corner of Lot One (1) TLST Spiehs Subdivision; running thence West parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Thousand Three Hundred Sixteen Feet and Sixty Hundredths (1,316.60); running thence North parallel to the East line of the Lot One (1) TLST Spiehs Subdivision Fifteen Feet and Twenty Hundredths (15.20); running thence East parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Thirty Three Feet and Sixty Two Hundredths (133.62), said point being the Southeast (SE) Corner of Part Lot One (1) Norwood Subdivision; running thence North parallel to the East line of the Lot One (1) TLST Spiehs Subdivision Seventy One Feet and Eighty Four Hundredths (71.84); running thence West parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Thirty Three Feet and Seventy Hundredths (133.70); running thence North parallel to the East line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), Four Hundred Nine Feet and Seventy Eight Hundredths (409.78); to ACTUAL Point of Beginning.