



City of Grand Island

Tuesday, April 26, 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 Spiels 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 Resolutions item I-2.

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: April 26, 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, Hall County, Nebraska

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. Due to legal description concerns with affected properties this item was pulled from the April 12, 2016 council meeting to allow sufficient time to ensure all documents are correct and legal for filing with Hall County Register of Deeds.

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.

Property Owner	Address	Previous Fees Paid
Sergio Urbina	805 E Capital Ave	\$1,112.76
Total Previous Fees Paid		\$1,112.76

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 Resolution)

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

RESOLUTION NO. 2016-BE-4

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution No. 2016-BE-4 shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103 R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island at time such property becomes connected to the sanitary sewer main. No property benefited as determined by this resolution shall be connected to the sanitary sewer main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

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

Parcel No.	Owner	Legal Description	Connection Fee
400205955	Jose Haro Martha Haro	The North One Hundred Eighty Two (182.0) feet of a certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), which point is one Thousand One Hundred Eighty Eight (1188.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the said North Ten (10) acres Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the said North Ten (10) acres One Hundred Thirty Four and Seven Tenths (134.7) feet to a point on the West line of the said North Ten (10) acres; running thence North upon and along the West line of the said North Ten (10) acres Three Hundred	\$7,463.58

Approved as to Form ✕ _____
 April 22, 2016 ✕ City Attorney

RESOLUTION NO. 2016-BE-4 (Cont.)

		Thirty One (331.0) feet to the Northwest corner of the said North Ten (10) acres; running thence East upon and along the North line of the said North Ten (10) acres One Hundred Thirty Three and Nine Tenths (133.9) feet to the actual point of beginning; EXCEPT the South Fifty (50.0) feet of said North One Hundred Eighty Two (182.0) feet thereof; and subject to one-half (½) of the County Road to the North and West of said premises.	
400205963	Juan Rico Anna M Villa De Rico	The South Fifty (50) feet of the North One Hundred Eighty Two (182.0) feet of that part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of said Section Ten (10), a distance of One Thousand One Hundred Eighty Eight (1188.0) feet West of the Northeast corner of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section; running thence South parallel to the East line of said West Half of the Northwest Quarter (W ½ NW ¼) of said Section for a distance of Three Hundred Thirty One (331.0) feet; running then West parallel to the North line of said Section Ten (10), a distance of One Hundred Thirty Four and Seven Tenths (134.7) feet, more or less, to a point on the West line of Section Ten (10); running thence North upon and along said West Section line for a distance of Three Hundred Thirty One (331.0) feet to the Northwest corner of said Section Ten (10); running thence East upon and along the North line of said Section Ten (10) for a distance of One Hundred Thirty Three and Nine Tenths (133.9) feet, more or less, to the Actual Point of Beginning.	\$7,463.58
400206080	Rhonda Coon Ricky Coon	A certain tract of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), in Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the West line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Hundred Eighty Two (182.0) feet South of the Northwest corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), the point of beginning; running thence South on the West line of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) for a distance of One Hundred Forty Nine (149.0) feet; running thence East for a distance of One Hundred Thirty Four and Seven Tenths (134.7) feet; running thence North parallel with the West line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) for a distance of One Hundred Forty Nine (149.0) feet; thence running West and parallel to the North line of said Ten (10) acre tract to the point of beginning. Subject, however, to One Half (1/2) of the County Road to the West of said premises.	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

400214059	Gary Ummel Estel Ummel	Lot Two (2), TLST Spiels Subdivision, City of Grand Island, Hall County, Nebraska.	\$7,463.58
400205939	Timothy S Grudzinski Cassandar L Grudzinski	The West Half of the following described tract: Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska and more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Thousand Fifty Six (1056.0) feet West of the Northeast corner of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of said tract One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of said tract, Three Hundred Thirty One (331.0) feet, to a point on the North line of said Ten (10) acres tract; running thence East along and upon the North line of said Ten (10) acre tract, One Hundred Thirty Two (132.0) feet to the actual point of beginning, subject however to the Half (½) of the County Road to the North of said premises, Hall County, Nebraska.	\$7,463.58
400205920	Reinier Fernandez Solorzano	The East Half (E ½) of the following described tract: Part of the North Ten (10) Acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Thousand Fifty Six (1056.0) feet West of the Northeast corner of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of said tract, One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of said tract, Three Hundred Thirty One (331.0) feet to a point on the north line of said Ten (10) acre tract; running thence East along and upon the North line of said Ten (10) acre tract, One Hundred Thirty Two (132.0) feet to the actual point of beginning.	\$7,463.58
400206056	Wesley T Tjaden	Part of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., more particularly described as follows: Beginning at a point on the North line of said Section Ten (10), which point is Nine Hundred Twenty Four (924.0) feet West of the Northeast corner of the Northwest Quarter of the	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

		Northwest Quarter (NW ¼ NW ¼) of said Section Ten (10); running thence South and parallel to the East line of said Section Ten (10) a distance of Three Hundred Thirty One (331.0) feet; running thence West and parallel to the North line of said Section Ten (10) a distance of One Hundred Thirty Two (132.0) feet; running thence North and parallel to the East line of said Section a distance of Three Hundred Thirty One (331.0) feet to the North line of said Section Ten (10); running thence East and along and upon the North line of said Section Ten (10) a distance of One Hundred Thirty Two (132.0) feet to the point of beginning.	
400205947	Anna Lee Young Life Estate B Haycock & B Hardenbroc	A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Seven Hundred Ninety Two (792.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet to the actual point of beginning, subject, however to One Half (1/2) of the County Road to the North of said premises.	\$7,463.58
400206013	JK Investments, LLC	A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Six Hundred Sixty (660.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet;	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

		<p>running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning.</p>	
400206005	Sergio Urbina Idalia Urbina	<p>A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼), of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Five Hundred Twenty Eight (528.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty (330.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty (330.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning; subject to One Half (½) of the County Road to the North of said premises.</p>	\$6,350.82
400205912	Cruz C Ramos, Sr. Minerva M Ramos	<p>Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) which point is Three Hundred Ninety Six (396.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said</p>	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

		Section Ten (10) Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) Three Hundred Thirty One (331.0) feet to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East along and upon the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) One Hundred Thirty Two (132.0) feet, to the actual point of beginning; subject to One Half (½) of the County Road to the North of said premises,	
400205904	Ronald Peter Pfenning	Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 th P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point of the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Two Hundred Sixty Four (264.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning, subject to One Half (½) of the County Road to the North of said premises.	\$7,463.58
400206048	Timothy S Spiehs Lisa M Spiehs	Lot One (1), TLST Spiehs Subdivision, City of Grand Island, Hall County, Nebraska.	\$7,463.58
TOTAL TAP FEES			\$95,913.78

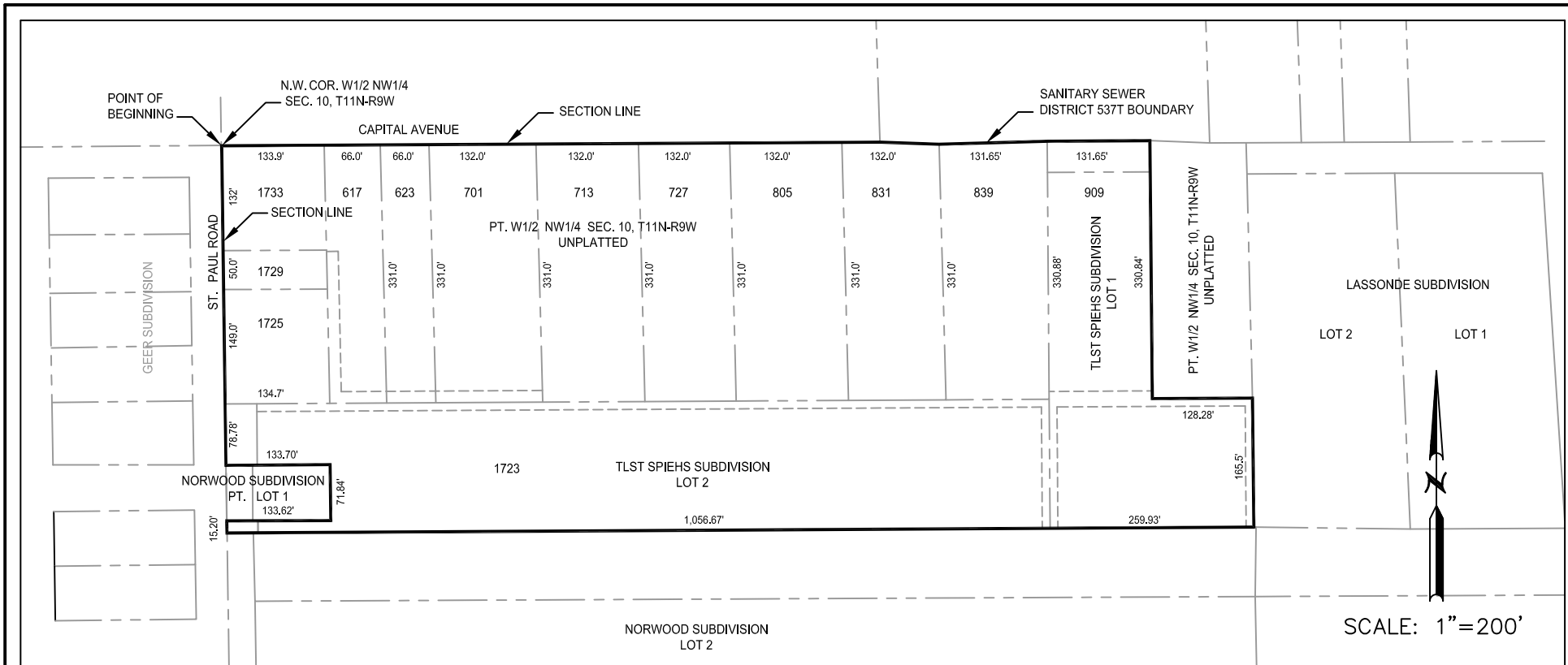
RESOLUTION NO. 2016-BE-4 (Cont.)

Adopted by the City Council of the City of Grand Island, Nebraska, April 26, 2016.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk



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.