



City of Grand Island

Tuesday, August 22, 2017

Council Session

Item D-1

**#2017-BE-4 - Consideration of Determining Benefits and Levy
Special Assessments for Sterling Estates Fourth Subdivision –
Ebony Lane; Paving District No. 1262**

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

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: August 22, 2017

Subject: Consideration of Determining Benefits and Levy Special Assessments for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262

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

Background

The Certificate of Final Completion for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 was approved by City Council on July 11, 2017, via Resolution No. 2017-199; with August 22, 2017 set as the date for Council to sit as the Board of Equalization. The Diamond Engineering Company of Grand Island, Nebraska was hired to perform such work in the amount of \$172,967.00. Work was completed at a price of \$173,597.00; with additional costs of \$12,827.73, all detailed below.

Original Bid	\$ 172,967.00
Overruns	\$ 630.00
Sub Total (Construction Price) =	\$ 173,597.00
Additional Costs:	
Public Works Engineering Division – Project Administration	\$ 5,207.91
Olsson Associates – Survey & Construction Observation	\$ 7,500.00
The Grand Island Independent – Advertising	\$ 119.82
Sub Total of Additional Costs =	\$ 12,827.73
TOTAL COST =	\$ 186,424.73

Total project costs equate to \$186,424.73, all of which is assessable to property owners within this district.

All work has been completed and special assessments have been calculated for the improvements.

Nebraska Revised Statute Section 16-622 states, "The cost of making such improvements of the streets and alleys within any street improvement district shall be assessed upon the lots and lands in such district specially benefited thereby in proportion to such benefits."

- Paving Assessment Districts are either petitioned by property owner(s) or ordered via an Ordinance by City Council
- Although each district must be reviewed individually, the same basic principles are generally used in each case. The assessable area, or district boundary, is usually established by including all property which extends back from the improved street half way to the next parallel street. 300 feet as the maximum limit for this distance.
- Improvements due to street widths over 37 feet for residential streets and 41 feet commercial streets are not assessed to property owners
- Replacement costs for existing paving are not included in assessment costs

Nebraska Revised Statute Section 16-633 states, "If, in any city of the first class, there shall be any real estate belonging to any county, school district, city, municipal or other quasi-municipal corporation abutting upon the street, avenue or alley whereon paving or other special improvements have been ordered, it shall be the duty of the county board, board of education or other proper officers to pay such special taxes".

Discussion

The costs for this project will be assessed to the adjacent property. The payments are spread over ten (10) years at 7% simple interest. The first payment of principle only at 1/10th of the assessment is due 10 days after filing of the ordinance that levies the costs as approved at the Board of Equalization. The City has had multiple correspondences with the property owners and sent a reminder letter advising them that the BOE is scheduled for August 11, 2015 and the first payment will be due shortly after.

The final assessment for each lot is listed in both the Resolution and Ordinance for this item.

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

City Administration recommends that the Council meet as the Board of Equalization to determine benefits and pass an ordinance to levy Special Assessments to the individual properties.

Sample Motion

(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262.

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 August 9, 2017; she mailed copies of the "Notice of Board of Equalization Hearing – Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262", which notice was first published in the Grand Island Independent on August 8, 2017, to the following named parties:

Niedfelt Property Management Preferred, LLC
c/o Platte Valley Construction Co.
1028 S Adams Street
Grand Island, NE 68801

JMH Development, LLC
4665 W Capital Avenue
Grand Island, NE 68803

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: August 9, 2017



RaNae Edwards, City Clerk

Subscribed and sworn to before me this 9th date August, 2017.





Notary Public

NOTICE OF BOARD OF EQUALIZATION HEARING

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Details for NOTICE OF BOARD OF EQUALIZATION HEARING

6 hrs ago

NOTICE OF BOARD OF EQUALIZATION HEARING Sterling Estates Fourth Subdivision - Ebony Lane; Paving District No. 1262 NOTICE is hereby given to all persons owning real estate within the Sterling Estates Fourth Subdivision - Ebony Lane; Paving District No. 1262 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 August 22, 2017 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 such paving district. All owners of real estate within said paving 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 8-15-22

Categories [Legal](#)

NOTICE OF BOARD OF EQUALIZATION HEARING

Sterling Estates Fourth Subdivision – Ebony Lane;
Paving District No. 1262

NOTICE is hereby given to all persons owning real estate within the Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 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 August 22, 2017 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 such paving district. All owners of real estate within said paving 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:

August 8, 2017

August 15, 2017

August 22, 2017

DRAFT

This Space Reserved for Register of Deeds

ORDINANCE NO. _____

An ordinance assessing and levying a special tax to pay the cost of Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 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 Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262, 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
400149902	NIEDFELT PROPERTY MANAGEMENT PREFERRED, LLC	LOT 1, BLOCK 1, STERLING ESTATES FOURTH SUBDIVISION	\$ 19,847.65
400149903	NIEDFELT PROPERTY MANAGEMENT PREFERRED, LLC	LOT 2, BLOCK 1, STERLING ESTATES FOURTH SUBDIVISION	\$ 20,840.03
400149904	JMH DEVELOPMENT, LLC	LOT 3, BLOCK 1, STERLING ESTATES FOURTH SUBDIVISION	\$ 21,320.35
400495615	CITY OF GRAND ISLAND	OUTLOT A, STERLING ESTATES FOURTH SUBDIVISION	\$ 124,416.70
			\$ 186,424.73

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in ten days; one-tenth in one year; one-tenth in two

Approved as to Form ☐ _____
August 9, 2017 ☐ City Attorney

DRAFT

years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within ten days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of three-fourths of one percent per month shall be paid thereon as in the case of other special taxes, until the same is collected and paid.

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 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: August 22, 2017

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

RESOLUTION 2017

DRAFT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$186,424.73, with benefits accruing to the real estate in such district to be the total sum of \$186,424.73; and

Such benefits are based on Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 at the adjacent property; and

According to the actual cost of Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 adjacent to the respective lots, tracts, and real estate within such paving district area, such benefits are the sums set opposite the description as follows:

Parcel No.	Owner	Legal Description	Assessment by Frontage
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400495615	CITY OF GRAND ISLAND	OUTLOT A, STERLING ESTATES FOURTH SUBDIVISION	\$ 124,416.70
			\$ 186,424.73

Adopted by the City Council of the City of Grand Island, Nebraska, August 22, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
August 9, 2017 ☐ City Attorney

R E S O L U T I O N 2017-BE-4

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$186,424.73, with benefits accruing to the real estate in such district to be the total sum of \$186,424.73; and

Such benefits are based on Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 at the adjacent property; and

According to the actual cost of Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 adjacent to the respective lots, tracts, and real estate within such paving district area, such benefits are the sums set opposite the description as follows:

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			\$ 186,424.73

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Adopted by the City Council of the City of Grand Island, Nebraska, August 22, 2017.

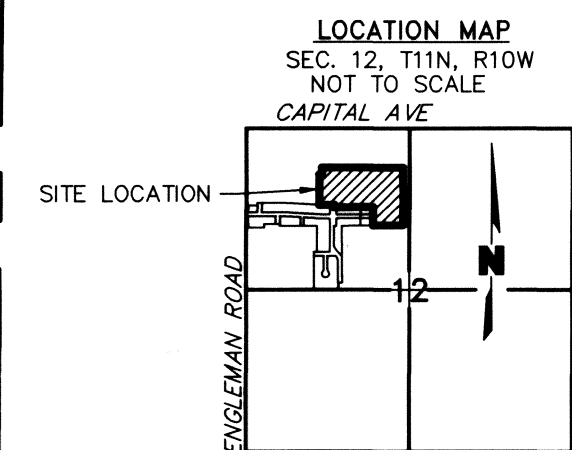
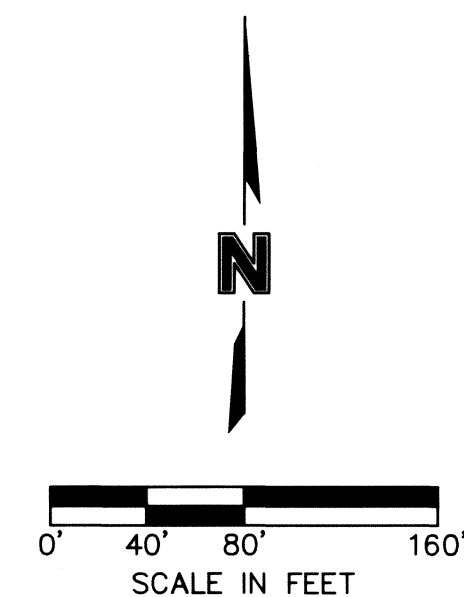
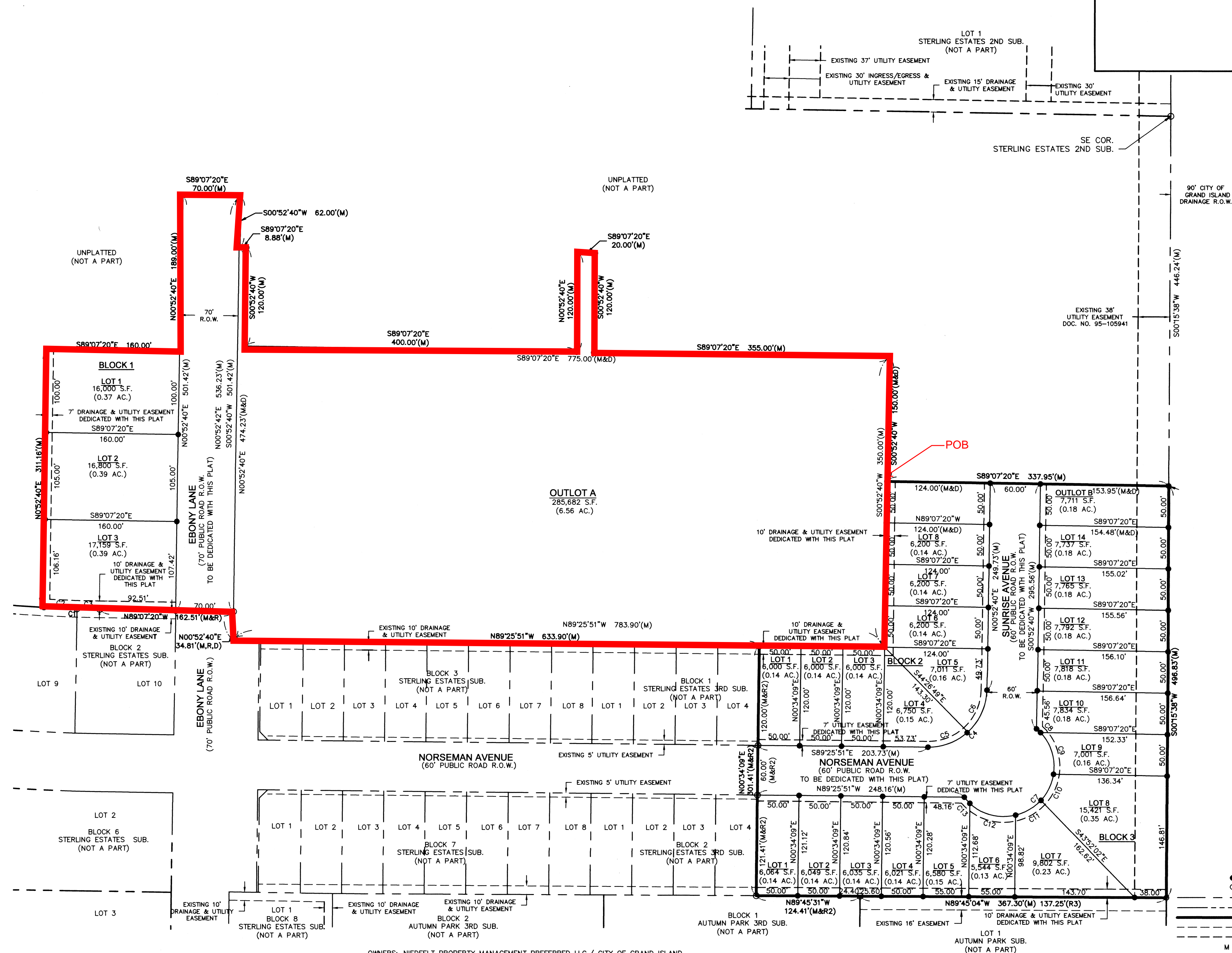
Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form <input type="checkbox"/> _____ August 18, 2017 <input type="checkbox"/> City Attorney
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STERLING ESTATES FOURTH SUBDIVISION
IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
FINAL PLAT



- LEGEND**
- SET CORNER (5/8"x24" REBAR W/CAP)
○ FOUND CORNER (5/8" REBAR W/CAP)
— SECTION LINE
— EXISTING PROPERTY LINE
— PROPOSED PROPERTY LINE
— EXISTING EASEMENT LINE
— EASEMENT LINE TO BE DEDICATED WITH THIS PLAT
MEASURED DISTANCE
RECORDED DISTANCE STERLING ESTATES SUB.
RECORDED DISTANCE STERLING ESTATES THIRD SUB.
RECORDED DISTANCE AUTUMN PARK SUB.
RECORDED DISTANCE DOC. NO. 0200905078



OLSSON
ASSOCIATES

201 East 2nd Street
P.O. Box 1072
Grand Island, NE 68802-1072
TEL 308.384.8750
FAX 308.384.8752

PROJECT NO. 2014-1966

NIEDFELT SURVEY

FR

OWNERS: NIEDFELT PROPERTY MANAGEMENT PREFERRED LLC./ CITY OF GRAND ISLAND
SUBDIVIDER: NIEDFELT PROPERTY MANAGEMENT PREFERRED LLC./ CITY OF GRAND ISLAND
SURVEYOR: OLSSON ASSOCIATES
ENGINEER: OLSSON ASSOCIATES
NUMBER OF LOTS: 27

SHEET 1 OF 2