



City of Grand Island

Tuesday, August 22, 2017

Council Session

Item E-2

Public Hearing on Acquisition of Sidewalk Easement at 2221 West Charles Street (Maloy)

Council action will take place under Consent Agenda item G-9.

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: Public Hearing on Acquisition of Sidewalk Easement at 2221 West Charles Street (Maloy)

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

Background

Property owner of 2221 West Charles Street was notified by Code Enforcement of a broken sidewalk in the public right-of-way adjacent to the property. Due to the age of the tree and the sidewalk repairs necessary the property owner requested to curve the sidewalk around the tree, rather than removing or trimming the tree back.

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council.

Discussion

A sidewalk easement is needed to allow for public use of such adjacent to 2221 West Charles Street. The property owner has signed the necessary document to grant a public sidewalk easement, which allows for a three (3) foot wide easement, as shown on the attached drawing. There will be no compensation to the property owner for such easement.

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 conduct a Public Hearing and approve acquisition of the sidewalk easement from Teresa Maloy at 2221 West Charles Street, Grand Island, Nebraska.

Sample Motion

Move to approve the acquisition of the sidewalk easement.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

PUBLIC SIDEWALK EASEMENT

TERESA L. MALOY, Owner, herein called the Grantor, in consideration of ONE DOLLAR (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grant and convey unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a permanent and perpetual easement for public use of the sidewalks upon, over, along, across, in, and through a part of Ashton Place Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

A Three (3.0) foot wide tract of land comprising of the northerly Three (3.0) feet of Lot Six (6), Block Five (5), Ashton Place Subdivision, all in the City of Grand Island, Nebraska, said tract containing 0.0035 acres (153.0 square feet) more or less.

Together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted and the right to clear and keep clear of trees, roots, brush, hedges, undergrowth, and other obstructions from the surface of such tracts interfering with the location, construction, inspection, repair, replacement, removal, maintenance, and use of such public sidewalks.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted within the

easement area and that the easement herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

DATED: _____, 2017

GRANTOR:

Teresa L. Maloy, Owner

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this _____ day of _____, 2017 before me, the undersigned, a Notary Public in and for said County and State, personally appeared TERESA L. MALOY, OWNER, to me known to be the identical persons who signed the foregoing Public Utility Easement and acknowledge the execution thereof to be their voluntary act and deed as such officer on behalf of said company for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

Notary Public



3.0 Foot Sidewalk Easement

