



City of Grand Island

Tuesday, November 14, 2017

Council Session

Item D-1

#2017-BE-7 - Consideration of Determining Benefits for Sanitary Sewer District No. 539; North Webb Road and 13th Street

Council action will take place under Ordinances item F-4.

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: November 14, 2017

Subject: Consideration of Determining Benefits for Sanitary Sewer District No. 539; North Webb Road and 13th Street

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

Background

The Certificate of Final Completion for Sanitary Sewer District No. 539; North Webb Road and 13th Street was approved by City Council on October 10, 2017, via Resolution No. 2017-277; with November 14, 2017 set as the date for Council to sit as the Board of Equalization. Starostka Group Unlimited, Inc. of Grand Island, Nebraska was hired to perform such work in the amount of \$105,483.25. Work was completed at a price of \$85,543.76; with additional costs of \$19,276.73, all detailed below.

Original Bid	\$ 105,483.25
Overruns	\$ (19,939.49)
Sub Total (Construction Price) =	\$ 85,543.76
Additional Costs:	
The Grand Island Independent – Advertising	\$ 157.76
Hall County Register of Deeds – Filing Fees	\$ 252.00
Island Sprinkler – Sprinkler Repair	\$ 74.51
Midwest Right-of-Way – Easement Acquisition Services	\$ 4,685.00
Phillip J Harders – Easements	\$ 500.00
Calvary Baptist Church – Easements	\$ 1,535.00
Richard A Rischling – Easements	\$ 6,005.00
Sheffield Tree Service – Tree Removal	\$ 3,800.00
Grand Island Public Works Engineering – Engineering & Design	\$ 2,267.46
Sub Total of Additional Costs =	\$ 19,276.73
TOTAL COST = \$ 104,820.49	

Total project cost is \$104,820.49, with an assessable amount of \$69,430.57. The remaining costs were necessary to construct a line west from Dixie Square to address deficiencies with the system along Webb Road from prior construction.

There are approximately 300 septic tanks within City limits with no available sanitary sewer. This project provides sanitary sewer to five (5) additional properties.

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

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 25 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 November 14, 2017 and the first payment will be due shortly after.

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 Sanitary Sewer District No. 539; North Webb Road and 13th Street.

(Sample Motion for the Resolution)

Move to approve the ordinance levying the assessments for Sanitary Sewer District No. 539; North Webb Road and 13th Street.

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 October 31, 2017; she mailed copies of the "Notice of Board of Equalization Hearing – Sanitary Sewer District No. 539; North Webb Road and 13th Street", which notice was first published in the Grand Island Independent on October 31, 2017, to the following named parties:

Executive Properties, LLC
4110 Terrace Cir
Grand Island, NE 68803

Calvary Baptist Church of GI NE
3221 W 13th St
Grand Island, NE 68803

Ronald & Karen Hanover
1724 N Broadwell Ave
Grand Island, NE 68803

Alexander C & Frances Salinas
1121 N Webb Rd
Grand Island, NE 68803

Larry & Wendy Buhrman
1041 N Webb Rd
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: October 31, 2017



RaNae Edwards, City Clerk

Subscribed and sworn to before me this 31st date October, 2017.



Notary Public

NOTICE OF BOARD OF EQUALIZATION HEARING

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Details for NOTICE OF BOARD OF EQUALIZATION HEARING

5 hrs ago

NOTICE OF BOARD OF EQUALIZATION HEARING Sanitary Sewer District No. 539; North Webb Road and 13th Street NOTICE is hereby given to all persons owning real estate within the Sanitary Sewer District No. 539; North Webb Road and 13th Street 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 November 14, 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 sanitary sewer district. 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 31-7-14

Categories [Legal](#)

DRAFT

This Space Reserved for Register of Deeds

ORDINANCE NO. _____

An ordinance assessing and levying a special tax to pay the cost of Sanitary Sewer District No. 539; North Webb Road and 13th Street 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 Sanitary Sewer District No. 539; North Webb Road and 13th Street, 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
400146568	Executive Properties, LLC	Misc Tracts 18-11-9 Part Lot 1, 1 AC	\$ 13,886.12
400146541	Ronald Hanover Karen Hanover	Misc Tracts 18-11-9 Part Lot 1, .98 AC	\$ 13,886.12
400146533	Alexander C Salinas Frances Salinas	Misc Tracts 18-11-9 Part Lot 1, .48 AC	\$ 13,886.11
400146576	Larry Buhman	Misc Tracts 18-11-9 Part Lot 1, .48 AC	\$ 13,886.11
400146401	Calvary Baptist Church of GI NE	Misc Tracts 17-11-9, PT NW ¼ NW ¼, 4 AC	\$ 13,886.11
			\$ 69,430.57

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in twenty-five (25) days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-

Approved as to Form	□ _____
October 31, 2017	□ City Attorney

DRAFT

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 twenty-five (25) 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: November 14, 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 Sanitary Sewer District No. 539; North Webb Road and 13th Street, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$104,820.49, with benefits accruing to the real estate in such district to be the total sum of \$69,430.57; and

Such benefits are based on Sanitary Sewer District No. 539; North Webb Road and 13th Street at the adjacent property and are equal and uniform; and

According to the area of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 539; North Webb Road and 13th Street, such benefits are the sums set opposite the description as follows:

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			\$ 69,430.57

Adopted by the City Council of the City of Grand Island, Nebraska, November 14, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form _____
October 31, 2017 City Attorney

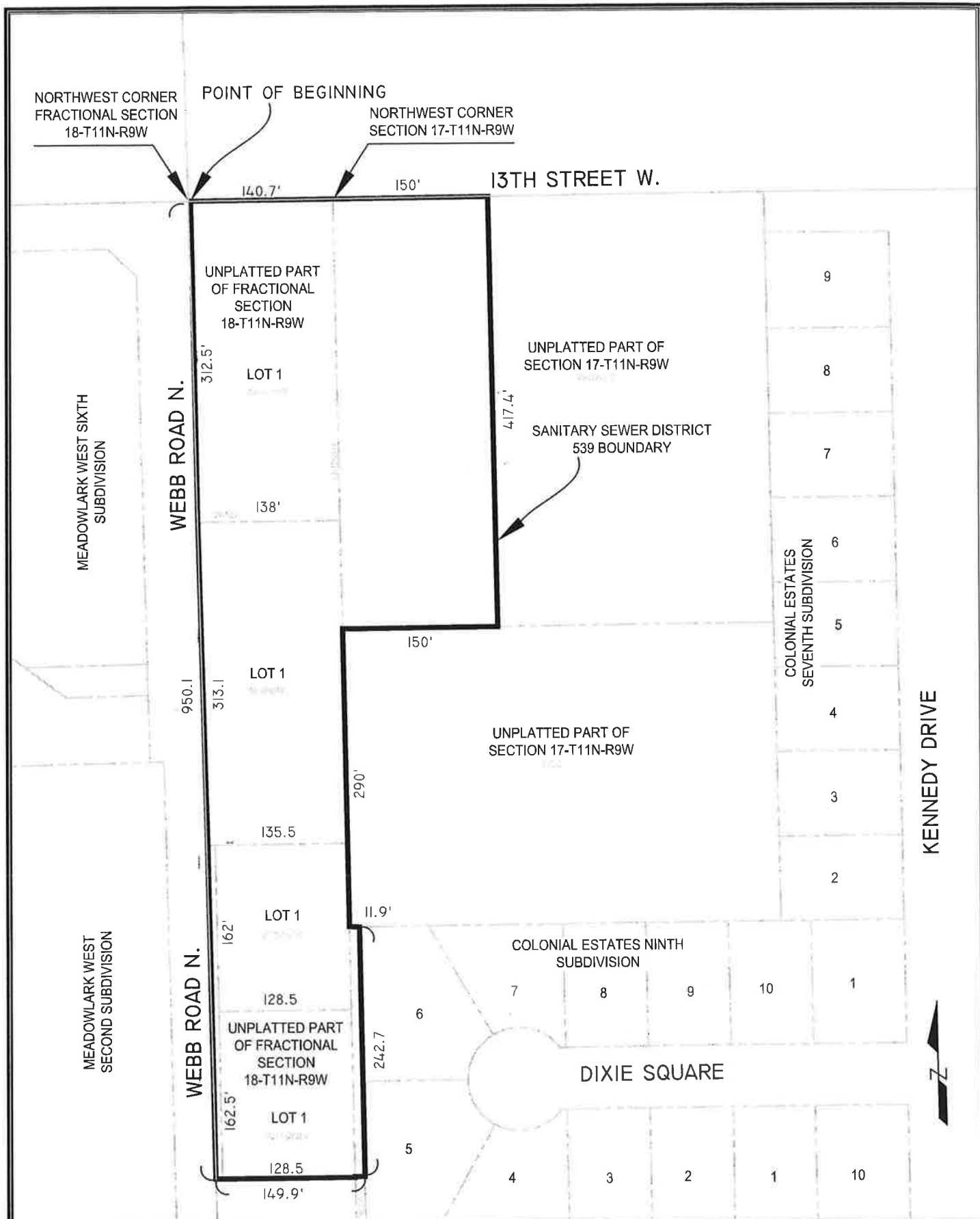


EXHIBIT "A"



SCALE: 1" = 120'
 DATE: August 1, 2016
 DRAWN BY: R.L.S.
 APP'VD. BY: T.K.B.

SANITARY SEWER DISTRICT 539 BOUNDARY
 NORTH WEBB ROAD & 13TH STREET

RESOLUTION 2017-BE-7

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400146401	Calvary Baptist Church of GI NE	Misc Tracts 17-11-9, PT NW ¼ NW ¼, 4 AC	\$ 13,886.11
			\$ 69,430.57

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 14, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____ November 9, 2017 ✕ City Attorney

NORTHWEST CORNER
FRACTIONAL SECTION
18-T11N-R9W

POINT OF BEGINNING

NORTHWEST CORNER
SECTION 17-T11N-R9W

140.7'

150'

13TH STREET W.

UNPLATTED PART
OF FRACTIONAL
SECTION
18-T11N-R9W

LOT 1
2001-11949

312.5'

UNPLATTED PART OF
SECTION 17-T11N-R9W
78-005613

417.4'

SANITARY SEWER DISTRICT
539 BOUNDARY

138'

MEADOWLARK WEST SIXTH
SUBDIVISION

WEBB ROAD N.

950.1

313.1

LOT 1
97-103598

150'

COLONIAL ESTATES
SEVENTH SUBDIVISION

9

8

7

6

5

4

3

2

KENNEDY DRIVE

UNPLATTED PART OF
SECTION 17-T11N-R9W
180-9

290'

135.5

MEADOWLARK WEST
SECOND SUBDIVISION

WEBB ROAD N.

162'

LOT 1
2012-06736

11.9'

COLONIAL ESTATES NINTH
SUBDIVISION

DIXIE SQUARE

UNPLATTED PART
OF FRACTIONAL
SECTION
18-T11N-R9W

LOT 1
2014-02359

128.5

128.5

149.9'

242.7

6

7

8

9

10

1

5

4

3

2

1

10

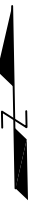


EXHIBIT "A"



SCALE: 1" = 120'
DATE: AUGUST 1, 2016
DRAWN BY: R.L.S.
APPVD. BY: T.K.B.

SANITARY SEWER DISTRICT 539 BOUNDARY
NORTH WEBB ROAD & 13TH STREET