



City of Grand Island

Tuesday, February 27, 2018

Council Session

Item G-11

#2018-56 - Approving Transferring Certified Irrigated Rights from the City of Grand Island to Marcos A. and Josefina Villanueva (2725 E Seedling Mile Road)

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

Council Agenda Memo

From: Keith Kurz, Assistant Public Works Director

Meeting: February 27, 2018

Subject: Consideration of Transferring Certified Irrigated Rights from the City of Grand Island to Marcos A. and Josefina Villanueva (2725 E Seedling Mile Road)

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

Background

During the closeout stage of the North Interceptor Phase I sanitary sewer project Marcos A. and Josefina Villanueva of 2725 E Seedling Mile Road filed a claim against the City of Grand Island stating damage to their property. Investigating such claim uncovered that the City did in fact encroach on the Villanueva's private property when restoring the construction area of Museum Drive for public use. The northern end of Museum Drive (south of Seedling Mile Road) has a thirty-three (33) foot public right-of-way, while the southern end of Museum Drive (north of Swift Road) has a sixty (60) foot public right-of-way.

The City has approached the property owners of 2725 E Seedling Mile Road in regards to acquiring an additional 13.5 foot of public right-of-way (half of the 27 foot needed to gain a full 60 foot width) on the northern end of Museum Drive to move towards gaining consistency in the width of such public roadway.

Discussion

During negotiations with the property owners of 2725 E Seedling Mile Road in regards to the City acquiring an additional 13.5 foot of public right-of-way on the northern end of Museum Drive interest was expressed in irrigating the currently dry farm land they own at such location.

An agreement was reached between City staff and such property owners to transfer the City's rights in the certified irrigated acres adjacent to 450 Museum Drive, on the southern end of Museum Drive. The City of Grand Island Utilities Department owns such property, with plans to use it as a solar array site, and has agreed to the transfer. The site is currently irrigated agricultural land, which has been certified as irrigated acres by the Central Platte Natural Resource District (CPNRD) and is leased out for farming. For the duration of the solar array site the irrigated acres will be dormant.

City staff is requesting to grant the transfer of four (4) certified irrigated acre rights to the property owners of 2725 E Seedling Mile Road in exchange for the additional 13.5 foot of public right-of-way on the northern end of Museum Drive. The City will retain ownership and possession of the land, but will transfer Certified Irrigated Acres to the property owner of 2725 E Seedling Mile Road through the CPNRD, which regulates the transfer of groundwater irrigation rights.

The acquisition of public right-of-way is a separate item being presented at the February 27, 2018 City Council meeting.

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 approve a resolution transferring the four (4) Certified Irrigated Acre rights to the property owners of 2725 E Seeding Mile Road from the irrigated acres adjacent to 450 Museum Drive in exchange for the additional 13.5 foot of public right-of-way on the northern end of Museum Drive.

Sample Motion

Move to approve the resolution.

Application for a Transfer Request – Certified Irrigated Acres

\$200.00 Non-Refundable Application Fee must be included – See back for additional instructions

Acres Transferred To:

Landowner: _____ Landowner Phone: () _____

Landowner Address: _____ Email: _____

Tenant Name: _____ Tenant Phone: () _____

Tenant Address: _____ Email: _____

Field Information:

_____ ¼ of Section _____, Township _____ N, Range _____ W, _____ County, NE

Acres Transferred From: (Info same as above ☐)

Landowner: _____ Landowner Phone: () _____

Landowner Address: _____ Email: _____

Tenant Name: _____ Tenant Phone: () _____

Tenant Address: _____ Email: _____

Field Information:

_____ ¼ of Section _____, Township _____ N, Range _____ W, _____ County, NE

Explanation of Transfer Request (Include # of acres and use additional pages if needed):

☐ **Enclosed FSA and/or Pivot Map detailing project**

Applicant Signature: _____ Date: _____

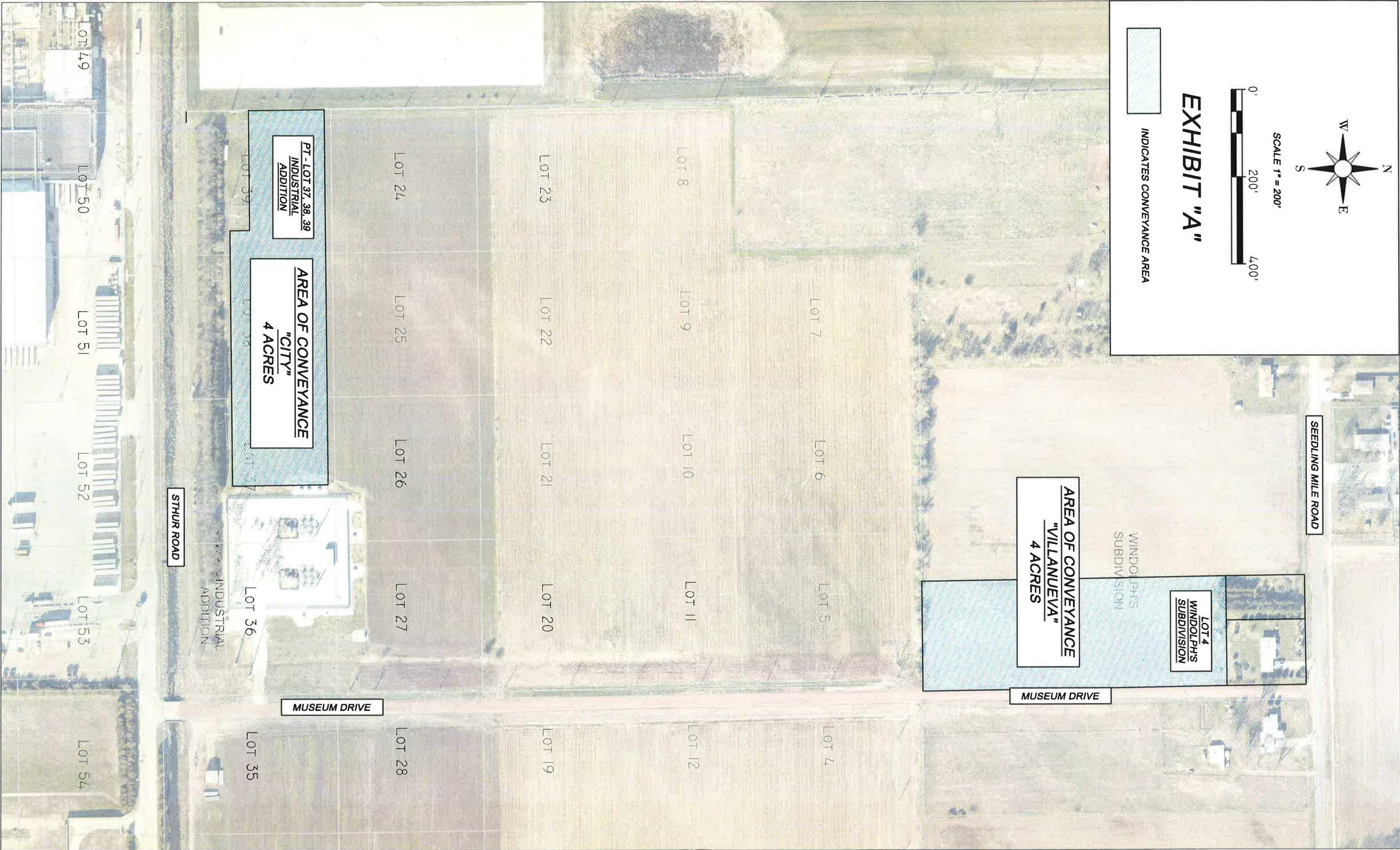
Office Use Only: Date Received _____ Paid _____ Maps _____ Compliance _____ US Citizenship form _____

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CPNRD Instructions for Transferring Certified Irrigated Acres

1. Discuss proposed transfer with CPNRD staff. Staff will determine if proposed transfer meets Rules and Regulations of the District.
2. Complete and submit an Application for a Transfer Request form along with a **\$200.00 fee**.
3. CPNRD staff will create the Waterbank Transfer paperwork. All landowners are required to sign and notarize the form. The signature(s) on the form will be an original; not photocopied, faxed or emailed.
4. If the offset is greater than four acres and not on the same contiguous track of land (where the transfer result would be no net loss or gain in certified acres), a title search is to be completed on both the receiving and transferring legal. A Report of Title form is to be completed by a lawyer or registered abstractor. Cost of the title search(s) is **NOT** included in the application fee and landowner(s) will be responsible for these fees. An original copy will be provided to the CPNRD. The signature(s) on the form will be an original; not photocopied, faxed or emailed.
5. If the offset is greater than four acres and not on the same contiguous track of land and there is a lien, the CPNRD will need to have the lienholder complete a Lienholder Consent form. The signature(s) on the form will be an original; not photocopied, faxed or emailed.
6. Complete highlighted sections of the Transfer of Certified Irrigated Acres form.
7. When CPNRD has received all necessary documentation, the district will file a form with the County Register of Deeds stating that Transfer of Certified Acres has been granted. If the transfer request involves filing in more than one county an extra **\$50 fee** must be paid to the CPNRD. A copy of the Waterbank Transfer paperwork will be mailed to you for your records.
8. The transfer of Certified Irrigated acres is not complete until all the above necessary steps are completed.

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RESOLUTION 2018-56

WHEREAS, the northern end of Museum Drive (south of Seedling Mile Road) has a thirty-three foot public right-of-way, while the southern end of Museum Drive (north of Swift Road) has a sixty (60) foot public right-of-way; and

WHEREAS, to move towards gaining consistency in the width of such public roadway an agreement has been reached with the property owners of 2725 E Seedling Mile Road; and

WHEREAS, such agreement consists of the property owners of 2725 E Seedling Mile Road dedicating an additional 13.5 foot of public right-of-way on the northern end of Museum Drive to the City of Grand Island; and

WHEREAS, in exchange for such additional public right-of-way the City will transfer four (4) Certified Irrigated Acre rights adjacent to 450 Museum Drive, on the southern end of Museum Drive, to the property owners of 2725 E Seedling Mile Road; Marcos A. and Josefina Villanueva; and

WHEREAS, the City shall pay the \$200 transfer request fee to facilitate such, while retaining ownership and possession of the land.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island, be and hereby is, authorized to transfer four (4) Certified Irrigated Acre rights adjacent to 450 Museum Drive, on the southern end of Museum Drive, to the property owners of 2725 E Seedling Mile Road; Marcos A. and Josefina Villanueva.

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Adopted by the City Council of the City of Grand Island, Nebraska, February 27, 2018.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 22, 2018	☐ City Attorney