



City of Grand Island

Tuesday, March 27, 2018

Council Session

Item F-3

#9682 - Consideration of Sale of Property Located at 111 East South Front Street to Wing Empire, Inc.

Staff Contact: Jerry Janulewicz

Council Agenda Memo

From: Jerry Janulewicz, City Attorney

Meeting: March 27, 2018

Subject: Purchase – Sale Agreement with Wing Empire, Inc.

Presenter(s): Jerry Janulewicz, City Attorney
John Collins, Public Works Director

Background

Wing Empire, Inc., is the owner of 115 East South Front Street, Grand Island, a building formerly used by Williams Furniture and is now the location of Prairie Pride Brewery. Access to the Prairie Pride business and the business' outdoor deck is located at the west side of the building and upon the easterly 8 feet of Lot 3, Block 54, Original Town of Grand Island. Lot 3 is owned by the City of Grand Island. Lots 3 and 4 comprise the land utilized for public parking at the southeast corner of the intersection of Pine Street and East South Front Street. The City Public Works Department previously issued a license authorizing the above-mentioned use of this strip of the parking lot. However, the license can be terminated by the city at any time, for cause or for no cause. Prairie Pride's business is dependent upon this public access, thus it is seeking to purchase this 8-foot wide strip in order to provide permanence to its continued use.

Discussion

The Proposed Real Estate Purchase Agreement (the "Agreement") would, if approved by Council through adoption of an ordinance, authorize the execution of the Purchase Agreement and direct the sale of the above-mentioned property to Wing Empire, Inc. for a cash payment of \$4,847.00. Additionally, the buyer, at its sole cost and expense, would be required to cause Lots 2, 3, and 4 to be re-platted and to reconstruct the northerly parking lot entrances to provide improved alignment with the driving lanes. The purchase price offered is based upon the sale price of vacant land located at the intersection of West Third Street and Elm Street.

As provided by law, notice of the sale and the terms of sale are required to be published for three consecutive weeks in a newspaper published for general circulation in the City of Grand Island. The City Clerk is directed and instructed to prepare and publish said notice.

The electors of the City of Grand Island may file a remonstrance against the sale of the real estate. If a remonstrance petition against the sale is signed by registered voters of the City of Grand Island equal in number to thirty percent of the registered voters of the City of Grand Island voting at the last regular city election held in the City and is filed with the City Council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

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 adopt the Ordinance approving the Purchase Sale Agreement with Wing Empire, Inc. and directing the sale subject to public remonstrance.

Sample Motion

Move to approve Ordinance No. 9682.

ORDINANCE NO. 9682

An ordinance directing and authorizing the sale of the easterly eight (8) feet of Lot Three (3), Block Fifty four (54), Original Town, now City of Grand Island, Hall County, Nebraska to Wing Empire, Inc.; providing for the giving of notice of such conveyance and the terms thereof; providing for the right to file a remonstrance against such conveyance; providing 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. The conveyance by warranty deed to Wing Empire, Inc., a Nebraska corporation (“Buyer”), of the City’s interests in and to the easterly eight (8) feet of Lot Three (3), Block Fifty four (54), Original Town, now City of Grand Island, Hall County, Nebraska, is hereby approved and authorized.

SECTION 2. Consideration for such conveyance shall be Four Thousand Eight Hundred Forty-seven and no/100th Dollars (\$4,847.00). Closing shall be contingent upon the Buyer causing the completion of the following at Buyer’s sole cost and expense: replatting of Lots Two (2), Three (3), and Four (4), all in Block Fifty four (54), Original Town, now City of Grand Island, Hall County, Nebraska, and reconstruction and realignment of the northerly entrances into City’s parking lot at the intersection of Pine and South Front Streets.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish said notice.

Approved as to Form	▣ _____
April 5, 2018	▣ City Attorney

ORDINANCE NO. 9682 (Cont.)

SECTION 6. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by registered voters of the City of Grand Island equal in number to thirty percent of the registered voters of the City of Grand Island voting at the last regular municipal election held in such City be filed with the City Council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 7. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor shall make, execute and deliver to Buyer, a warranty deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 8. 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: March 27, 2018.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk