



# City of Grand Island

Tuesday, April 24, 2018

Council Session

## Item G-11

**#2018-113 - Approving Legal Description Correction Concerning Acquisition of Public Utility Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (Longleaf, LLC)**

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

# **Council Agenda Memo**

**From:** Keith Kurz PE, Assistant Public Works Director

**Meeting:** April 24, 2018

**Subject:** Approving Legal Description Correction Concerning Acquisition of Public Utility Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (Longleaf, LLC)

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

## **Background**

On August 12, 2014 City Council approved the acquisition of a permanent public utility easement in the amount of \$440.00 from Longleaf, LLC for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4. Such easement authorized construction, operation, maintenance, extension, repair, replacement, and removal of sanitary sewer within the easement.

## **Discussion**

It was recently discovered that the legal description doesn't correctly identify the permanent utility easement the City was to acquire. City Council is being asked to approve the correct legal description for this tract of land to allow for refileing of the corrected Permanent Easement Deed.

## **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 the corrected legal description for the previously acquired permanent public utility easement from Longleaf, LLC.

## **Sample Motion**

Move to approve the resolution.

RESOLUTION 2018-113

WHEREAS, acquisition of a permanent public utility easement from Longleaf, LLC was approved by Grand Island City Council on August 12, 2014, via Resolution No. 2014-210 for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4, to construct and maintain such project; and

WHEREAS, a public hearing was held on August 12, 2014, for the purpose of discussing such permanent public utility easement acquisition; and

WHEREAS, the original legal description doesn't correctly identify the permanent utility easement the City was to acquire; and

WHEREAS, the correct legal description for the acquired permanent public utility easement is as follows:

Longleaf, LLC - \$440.00

*A TRACT OF LAND COMPRISING PART OF LOT ONE (1), BLOCK EIGHT (8), REPLAT CONTINENTAL GARDENS, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE SOUTHERLY ALONG THE WEST LINE OF LOT ONE (1) A DISTANCE OF 25.65 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CAPITAL AVENUE PER ISNT. NO. 201404306, FILED JULY 14, 2014 AND ALSO BEING THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CAPITAL AVENUE, A DISTANCE OF 52.56 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT ONE (1), SAID POINT BEING 71.84 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTHERLY ALONG SAID WEST LINE OF LOT ONE (1) A DISTANCE OF 46.19 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,214 SQURE FEET OR 0.028 ACRES MORE OR LESS.*

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 correct the legal description for the previously acquired permanent public utility easement from Longleaf, LLC, on the above described tract of land.

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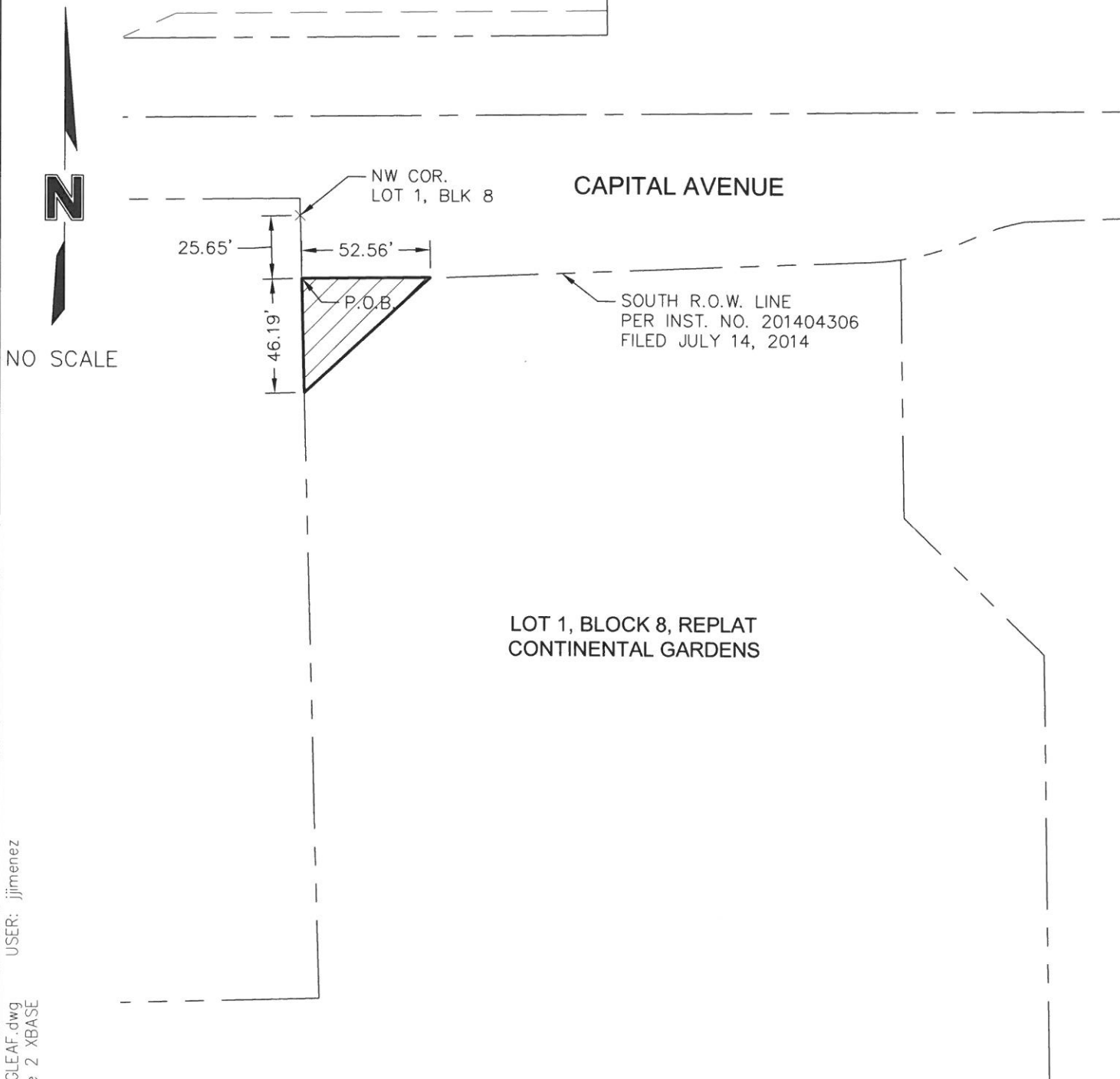
Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2018.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 20, 2018	☐ City Attorney





LOT 1, BLOCK 8, REPLAT  
CONTINENTAL GARDENS

USER: jjimenez  
 DWG: F:\Projects\011-2347\MUNI Phase 2\Easement Exhibits\112347\_ESMT11-LONGLEAF.dwg  
 DATE: Jul 20, 2017 3:53pm  
 XREFS: 112347\_Phase 2 PBASE 112347\_Phase 2 XBASE

LEGAL DESCRIPTION OF PERMANENT EASEMENT

A TRACT OF LAND COMPRISING PART OF LOT ONE (1), BLOCK EIGHT (8), REPLAT CONTINENTAL GARDENS, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE SOUTHERLY ALONG THE WEST LINE OF LOT ONE (1) A DISTANCE OF 25.65 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CAPITAL AVENUE PER INST. NO. 201404306, FILED JULY 14, 2014 AND ALSO BEING THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CAPITAL AVENUE, A DISTANCE OF 52.56 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT ONE (1), SAID POINT BEING 71.84 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTHERLY ALONG SAID WEST LINE OF LOT ONE (1) A DISTANCE OF 46.19 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,214 SQUARE FEET OR 0.028 ACRES MORE OR LESS.

LEGEND

-  PERMANENT EASEMENT
-  SECTION LINE
-  PROPERTY LINE

PROJECT NO: 044-2347

Grand Island

DRAWN BY: LH  
DATE: 03/25/2014

EASEMENT - 4/24/2018

**COLLSON**  
ASSOCIATES

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EXHIBIT

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