



City of Grand Island

Tuesday, July 24, 2018

Council Session

Item F-3

#9696 - Consideration of Sale of Property Described as Part of Lot One (1) West Geer Subdivision (Parcel No. 400113724) to Rene A Romero Guardado, Jr.

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: July 24, 2018

Subject: Consideration of Sale of Property Described as Part of Lot One (1) West Geer Subdivision (Parcel No. 400113724) to Rene A Romero Guardado, Jr.

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

Background

The City received a request from Mr. Rene A Romero Guardado, Jr. to purchase the City owned parcel (No. 400113724), legally described as Lot One (1), West Geer Subdivision, in the City of Grand Island, Hall County, Nebraska EXCEPT a certain tract more particularly described in Warranty Deed recorded as Document No. 94-104026. This property was previously used as a staging area for the Norther Interceptor sanitary sewer construction. The sale of such parcel will eliminate maintenance costs and liability for the City.

Mr. Guardado, Jr. is the owner of 503 E Capital Avenue, Grand Island, Nebraska, which is adjacent to the subject property.

Discussion

The Proposed Real Estate Purchase Agreement (the “Agreement”) would, if approved by City Council through adoption of an ordinance, authorize the execution of the Agreement and direct the sale of the above-mentioned property to Rene A Romero Guardado, Jr. The buyer, at its sole cost and expense will be responsible for all closing costs involved in such sale.

As provided by law, notice of the sale and the terms of sale are required to be published for three (3) 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 (30%) of the registered voters of the City of Grand Island voting at the last regular city election held in the City and filed with the City Council within thirty (30) days of passage and publication

of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

There are public utilities located within the subject parcel; therefore, a public utility easement will be retained to allow sufficient access to such.

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

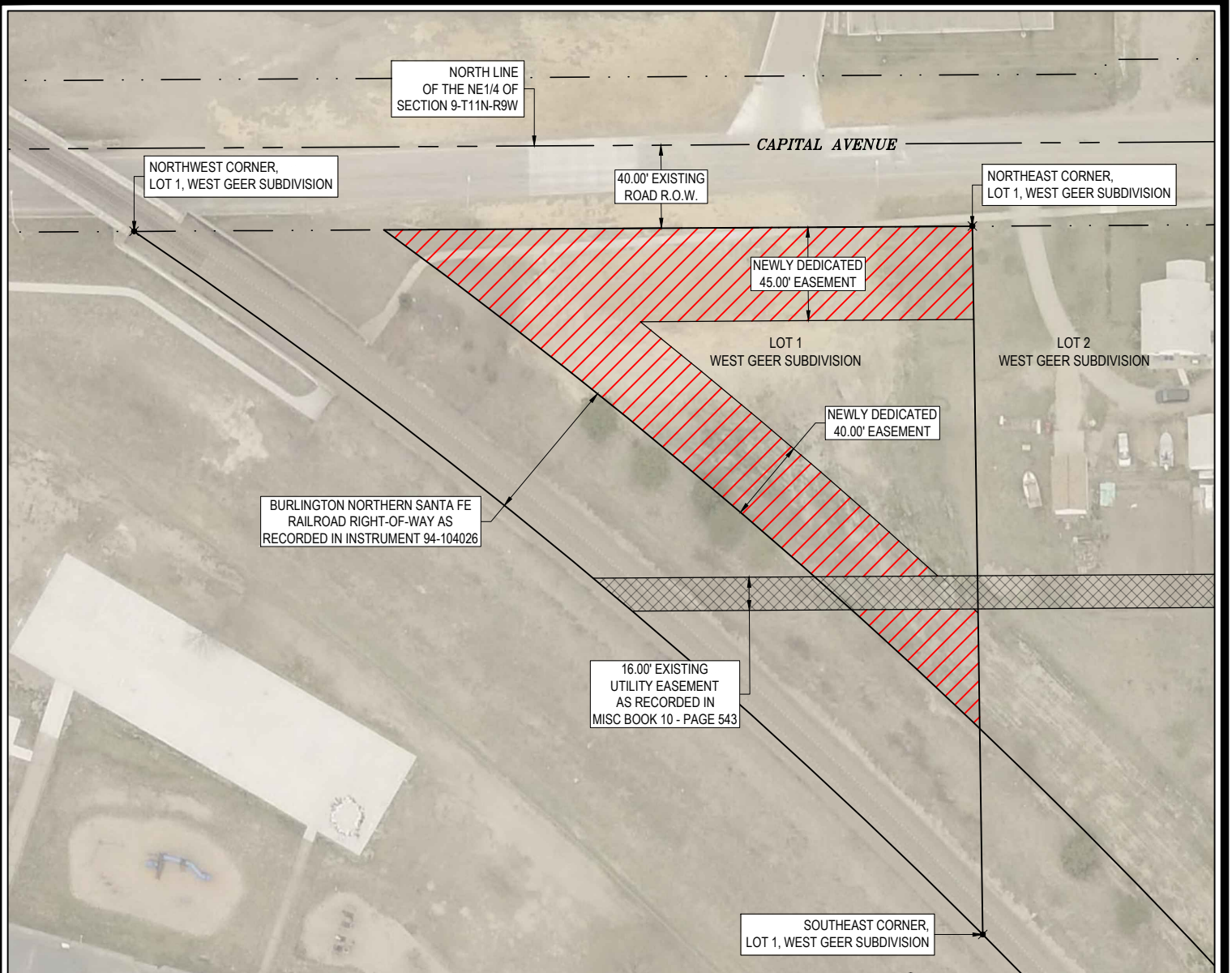
Recommendation

City Administration recommends that the Council adopt the Ordinance approving the Purchase Sale Agreement with Rene A Romero Guardado, Jr. and directing the sale subject to public remonstrance.

Sample Motion

Move to approve the ordinance.





LEGEND

	NEWLY DEDICATED EASEMENTS
	EXISTING UTILITY EASEMENT AS RECORDED IN MISCELLANEOUS BOOK 10 - PAGE 543
	SECTION LINE
	RIGHT-OF-WAY LINE
	PROPERTY LINE

LEGAL DESCRIPTION

A TRACT OF LAND DEDICATED FOR UTILITY EASEMENT & ACCESS EASEMENT PURPOSES AND MORE PARTICULARLY DESCRIBED AS THE NORTH 45.00 FEET OF LOT ONE (1), WEST GEER SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION NINE (9), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA;

AND

A TRACT OF LAND DEDICATED FOR SANITARY SEWER EASEMENT PURPOSES IN PART OF LOT ONE (1) WEST GEER SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION NINE (9), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS THE 40.00 FEET NORTHEASTERLY PARALLEL AND ADJACENT TO THE BURLINGTON NORTHERN SANTE FE RAILROAD RIGHT-OF-WAY AS RECORDED IN INSTRUMENT #94-104026 IN THE HALL COUNTY, NEBRASKA REGISTER OF DEEDS OFFICE.

ORDINANCE NO. 9696

An ordinance directing and authorizing the sale of Parcel No. 400113724, legally described as Lot One (1), West Geer Subdivision, in the City of Grand Island, Hall County, Nebraska EXCEPT a certain tract more particularly described in Warranty Deed recorded as Document No. 94-104026 to Rene A Romero Guardado, Jr., and to provide for reservation of a public utility easement; 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 Rene A Romero Guardado, Jr. ("Buyer"), of the City's interests in and to Parcel No. 400113724, legally described as Lot One (1), West Geer Subdivision, in the City of Grand Island, Hall County, Nebraska EXCEPT a certain tract more particularly described in Warranty Deed recorded as Document No. 94-104026 is hereby approved and authorized.

SECTION 2. Consideration for such conveyance shall be One Dollar (\$1.00) and other valuable considerations.

SECTION 3. The City shall retain a public utility easement through said parcel, described as follows:

A TRACT OF LAND DEDICATED FOR UTILITY EASEMENT & ACCESS EASEMENT PURPOSES AND MORE PARTICULARLY DESCRIBED AS THE NORTH 45.00 FEET OF LOT ONE (1), WEST GEER SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER (NE ¼) OF SECTION NINE (9), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA;

and

Approved as to Form	<input type="checkbox"/>	_____
July 20, 2018	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 9696 (Cont.)

A TRACT OF LAND DEDICATED FOR SANITARY SEWER EASEMENT PURPOSES IN PART OF LOT ONE (1) WEST GEER SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER (NE ¼) OF SECTION NINE (9), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS THE 40.00 FEET NORTHEASTERLY PARALLEL AND ADJACENT TO THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AS RECORDED IN INSTRUMENT NO. 94-104026 IN THE HALL COUNTY, NEBRASKA REGISTER OF DEEDS OFFICE.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three (3) 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.

SECTION 4. 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 (30%) 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 (30) days of passage and publication of such ordinance, said property shall not then, nor within one (1) year thereafter, be conveyed.

SECTION 5. 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.

ORDINANCE NO. 9696 (Cont.)

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen (15) days in one issue of the Grand Island Independent as provided by law.

Enacted: July 24, 2018.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk