



City of Grand Island

Tuesday, December 4, 2018

Council Session

Item G-7

**#2018-363 - Approving Temporary Construction Easement in
Section 26-11-10; Northeast Corner of Husker Highway &
Engleman Road (Indianhead Golf Club, LLC)**

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: December 4, 2018

Subject: Approving Temporary Construction Easement in Section 26-11-10; Northeast Corner of Husker Highway & Engleman Road (Indianhead Golf Club, LLC)

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

Background

A Temporary Construction easement is needed to accommodate the construction activities of an eight (8) inch sanitary sewer main in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway, which must be approved by City Council.

A sketch is attached to show the temporary construction easement areas.

Discussion

A temporary construction easement is needed from one (1) property owner for an eight (8) inch sanitary sewer main to be built in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway.

Property owner is dedicating such easement to the City, with no cost involved.

<i>Property Owner</i>	<i>Legal Description</i>
Indianhead Golf Club, LLC	<i>Commencing at the southwest corner of Section 26-T11N-R10W; thence on an assumed bearing of N89°39'31"E, along the centerline of Husker Highway a distance of 1104.38 feet; thence N00°20'29"W a distance of 40.00 feet to a point on the north right-of-way line of Husker Highway, said point also being the point of beginning; thence N00°33'56"W a distance of 393.79 feet; thence N89°37'30"E a distance of 75.92 feet; thence N00°19'02"W a distance of 179.87 feet; thence N89°38'32"E a distance of 80.85 feet to a point on the west line of Fairway Crossings at Indianhead Club 1st Subdivision; thence S00°00'06"E, along said west line a distance of 20.00 feet; thence S89°39'50"W a distance of 60.70 feet; thence S00°19'03"E a distance of 179.80 feet; thence S89°37'30"W a distance of 75.83 feet; thence S00°33'56"E a distance of 373.82 feet to a point on the north ROW line of Husker Highway; thence S89°39'31"W,</i>

	<p><i>along said north ROW line of Husker Highway, a distance of 20.00 feet to the point of beginning. Said temporary utility easement contains a calculated area of 14,207 square feet or 0.33 acres more or less.</i></p> <p><i>and</i></p> <p><i>Commencing at the southwest corner of Section 26-T11N-R10W; thence on an assumed bearing of N89°39'31"E, along the centerline of Husker Highway a distance of 1144.38 feet; thence N00°20'29"W a distance of 40.00 feet to a point on the north right-of-way line of Husker Highway, said point also begin the point of beginning; thence N00°33'56"W a distance of 353.82 feet; thence N89°37'30"E a distance of 75.74 feet; thence N00°19'03"W a distance of 179.82 feet; thence N89°39'50"E a distance of 40.70 feet to a point on the west line of Fairway Crossings at Indianhead Club 1st Subdivision; thence S00°00'06"E, along said west line a distance of 20.00 feet; thence S89°38'47"W a distance of 20.60 feet; thence S00°19'02"E a distance of 179.79 feet; thence S89°37'42"W a distance of 75.65 feet; thence S00°33'54"E a distance of 333.83 feet to a point on the north ROW line of Husker Highway; thence S89°39'31"W, along said north ROW Line of Husker Highway, a distance of 20.00 feet to the point of beginning. Said temporary utility easement contains a calculated area of 12,600 square feet or 0.29 acres more or less.</i></p>
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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 Temporary Construction Easements between the City of Grand Island and the affected property owner for construction of an eight (8) inch sanitary sewer main in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway.

Sample Motion

Move to approve the temporary construction easements.

AGREEMENT FOR TEMPORARY CONSTRUCTION OCCUPANCY

Agreement made and entered into by and between the CITY OF GRAND ISLAND, a municipal corporation of the State of Nebraska, herein referred to as "City", and INDIANHEAD GOLF CLUB, LLC, herein referred to as "Owner", whether one or more.

Recitals

WHEREAS, the City intends to construct an eight (8) inch sanitary sewer main in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway, on or adjacent to property owned by Owner; and

WHEREAS, it may be necessary for the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives to temporarily enter upon, travel over, excavate, clear, backfill, store materials upon, and otherwise use the lands herein described which are owned by Owner during the aforementioned construction project.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained within this agreement, the parties agree as follows:

Section One Right of Entry

Owner hereby grants to the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives the right to enter upon the following described real estate located in part of the Southwest Quarter (SW ¼) of Section Twenty-Six (26), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the southwest corner of Section 26-T11N-R10W; thence on an assumed bearing of N89°39'31"E, along the centerline of Husker Highway a distance of 1104.38 feet; thence N00°20'29"W a distance of 40.00 feet to a point on the north right-of-way line of Husker Highway, said point also being the point of beginning; thence N00°33'56"W a distance of 393.79 feet; thence N89°37'30"E a distance of 75.92 feet; thence N00°19'02"W a distance of 179.87 feet; thence N89°38'32"E a distance of 80.85 feet to a point on the west line of Fairway Crossings at Indianhead Club 1st Subdivision; thence S00°00'06"E, along said west line a distance of 20.00 feet; thence S89°39'50"W a distance of 60.70 feet; thence S00°19'03"E a distance of 179.80 feet; thence S89°37'30"W a distance of 75.83 feet; thence S00°33'56"E a distance of 373.82 feet to a point on the north ROW line of Husker Highway; thence S89°39'31"W, along said north ROW line of Husker Highway, a distance of 20.00 feet to the point of beginning. Said temporary utility easement contains a calculated area of 14,207 square feet or 0.33 acres more or less.

and

Commencing at the southwest corner of Section 26-T11N-R10W; thence on an assumed bearing of N89°39'31"E, along the centerline of Husker Highway a distance of 1144.38 feet; thence N00°20'29"W a distance of 40.00 feet to a point on the north right-of-way line of Husker Highway, said point also begin the point of beginning; thence N00°33'56"W a distance of 353.82 feet; thence N89°37'30"E a distance of 75.74 feet; thence N00°19'03"W a distance of 179.82 feet; thence N89°39'50"E a distance of 40.70 feet to a point on the west line of Fairway Crossings at Indianhead Club 1st Subdivision; thence S00°00'06"E, along said west line a distance of 20.00 feet; thence S89°38'47"W a distance of 20.60 feet; thence S00°19'02"E a distance of 179.79 feet; thence S89°37'42"W a distance of 75.65 feet; thence S00°33'54"E a distance of 333.83 feet to a point on the north ROW line of Husker Highway; thence S89°39'31"W, along said north ROW Line of Husker Highway, a distance of 20.00 feet to the point of beginning. Said temporary utility easement contains a calculated area of 12,600 square feet or 0.29 acres more or less.

to do such work as may be necessary or appropriate for the construction of an eight (8) inch sanitary sewer main in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway and related facilities adjacent to such property. Such right of entry shall include, but not be limited to the right to enter upon, travel over, excavate, clear fences, drives, irrigation lines and other improvements, backfill, store materials upon, and otherwise use the above described premises.

Section Two
Term of Agreement

The premises may be occupied and used by the City for the purposes related hereto during the period beginning the date construction work starts on an eight (8) inch sanitary sewer main in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway and continuing until the construction work is completed.

Section Three
Compensation

There shall be no compensation for use of the areas described in Section One.

Section Four
Remarks

The City shall restore the premises to grade prior to the termination of this agreement.

Section Five
Assignment

It is understood that the rights of the owner do not automatically transfer upon sale or lease of the property. The City agrees to permit assignment of the rights and obligations of Owner to a subsequent buyer or tenant, provided Owner obtains the City's prior written consent which City shall not unreasonably withhold.

DATED: _____, 2018

Indianhead Golf Club, LLC

BY _____

Title _____

Printed Name _____

DATED: _____, 2018

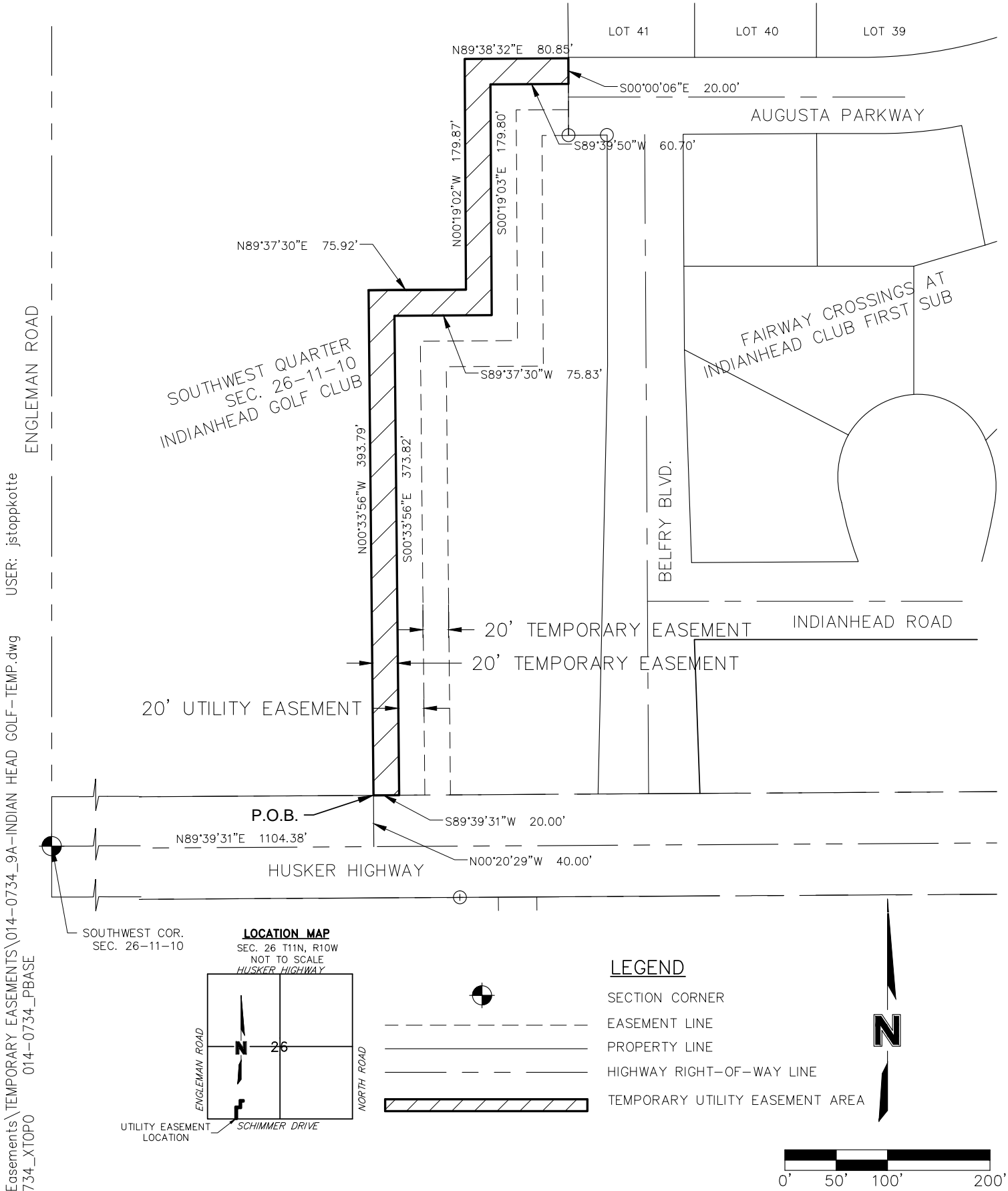
CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

BY _____
Roger G. Steele, Mayor

Attest: _____
RaNae Edwards, City Clerk

TEMPORARY UTILITY EASEMENT

HALL COUNTY, NEBRASKA



TEMPORARY UTILITY EASEMENT DESCRIPTION

A TEMPORARY UTILITY EASEMENT LOCATED IN PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26-T11N-R10W; THENCE ON AN ASSUMED BEARING OF N89°39'31"E, ALONG THE CENTERLINE OF HUSKER HIGHWAY A DISTANCE OF 1104.38 FEET; THENCE N00°20'29"W A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N00°33'56"W A DISTANCE OF 393.79 FEET; THENCE N89°37'30"E A DISTANCE OF 75.92 FEET; THENCE N00°19'02"W A DISTANCE OF 179.87 FEET; THENCE N89°38'32"E A DISTANCE OF 80.85 FEET TO A POINT ON THE WEST LINE OF FAIRWAY CROSSINGS AT INDIANHEAD CLUB 1ST SUBDIVISION; THENCE S00°00'06"E, ALONG SAID WEST LINE A DISTANCE OF 20.00 FEET; THENCE S89°39'50"W A DISTANCE OF 60.70 FEET; THENCE S00°19'03"E A DISTANCE OF 179.80 FEET; THENCE S89°37'30"W A DISTANCE 75.83 FEET; THENCE S00°33'56"E A DISTANCE OF 373.82 FEET TO A POINT ON THE NORTH ROW LINE OF HUSKER HIGHWAY; THENCE S89°39'31"W, ALONG SAID NORTH ROW LINE OF HUSKER HIGHWAY, A DISTANCE OF 20.00 FEET TO THE POINT IF BEGINNING. SAID TEMPORARY UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 14,207 SQUARE FEET OR 0.33 ACRES MORE OR LESS.

DWC: F:\projects\014-0734\SRVY Husker Hwy\Easements\TEMPORARY EASEMENTS\014-0734_9A-INDIAN HEAD GOLF-TEMP.dwg
DATE: Apr 23, 2015 4:14pm
XREFS: 014-0734_XTOPO 014-0734_PBASE
USER: jstoppkotte

PROJECT NO: 2014-0734	HUSKER HIGHWAY UTILITY EASEMENTS		201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL 308.384.8750 FAX 308.384.8752	EXHIBIT
DRAWN BY: JAS				9A
DATE: 03/05/2015				

TEMPORARY UTILITY EASEMENT

HALL COUNTY, NEBRASKA

DWC: F:\projects\014-0734\SRVY Husker Hwy\Easements\TEMPORARY EASEMENTS\014-0734_9B-INDIAN HEAD GOLF-TEMP.dwg
DATE: Apr 23, 2015 4:14pm
XREFS: 014-0734_XTOPO 014-0734_PBASE
USER: jstoppkotte

ENGLEMAN ROAD

LOT 41

LOT 40

LOT 39

N89°39'50"E 40.70'

S00°00'06"E 20.00'

AUGUSTA PARKWAY

S89°38'47"W 20.60'

N89°37'30"E 75.74'

N00°19'03"W 179.82'

S00°19'02"E 179.79'

S89°37'42"W 75.65'

SOUTHWEST QUARTER
SEC. 26-11-10
INDIANHEAD GOLF CLUB

FAIRWAY CROSSINGS AT
INDIANHEAD CLUB FIRST SUB

BELFRY BLVD.

INDIANHEAD ROAD

20' UTILITY EASEMENT

20' TEMPORARY EASEMENT

20' TEMPORARY EASEMENT

P.O.B.

N89°39'31"E 1144.38'

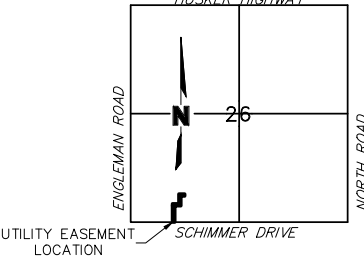
S89°39'31"W 20.00'

N00°20'29"W 40.00'

HUSKER HIGHWAY

SOUTHWEST COR.
SEC. 26-11-10

LOCATION MAP
SEC. 26 T11N, R10W
NOT TO SCALE
HUSKER HIGHWAY



LEGEND

- SECTION CORNER
- EASEMENT LINE
- PROPERTY LINE
- HIGHWAY RIGHT-OF-WAY LINE
- TEMPORARY UTILITY EASEMENT AREA



TEMPORARY UTILITY EASEMENT DESCRIPTION

A TEMPORARY UTILITY EASEMENT LOCATED IN PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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PROJECT NO: 2014-0734

DRAWN BY: JAS

DATE: 03/05/2015

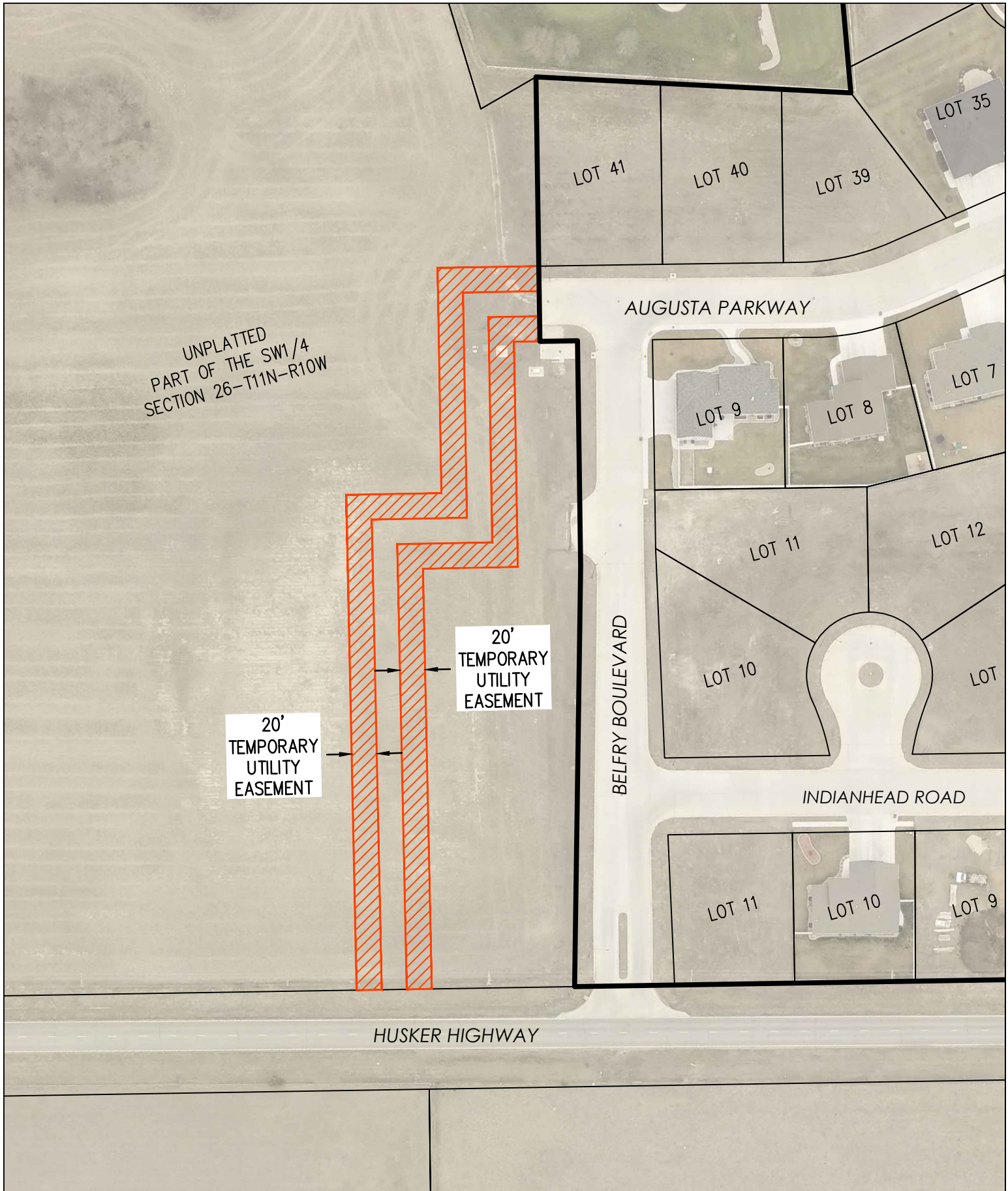
HUSKER HIGHWAY
UTILITY EASEMENTS

MOLSSON ASSOCIATES

201 East 2nd Street
P.O. Box 1072
Grand Island, NE 68802-1072
TEL 308.384.8750
FAX 308.384.8752

EXHIBIT

9B



DWG: J:\SUBDIVISIONS\SEC 26-11-10\EXHB_HUSKER HIGHWAY EASEMENTS\EXHB_HUSKER HIGHWAY EASEMENTS.DWG 11/29/2018 4:05:33 PM

TEMPORARY UTILITY EASEMENT EXHIBIT

Grand Island

SECTION 26, TOWNSHIP 11 NORTH, RANGE 10 WEST,
GRAND ISLAND, NEBRASKA

Council Session - 12/4/2018



PUBLIC WORKS DEPARTMENT

RESOLUTION 2018-363

WHEREAS, a temporary construction easement is required by the City of Grand Island, from an affected property owner to construct an eight (8) inch sanitary sewer main in a southerly direction from the lift station serving Fairway Crossings at Indianhead Golf Club First Subdivision to Husker Highway:

Indian Head Golf Club, LLC –

T11N-R10W; thence on an assumed bearing of N89°39'31"E, along the centerline of Husker Highway a distance of 1104.38 feet; thence N00°20'29"W a distance of 40.00 feet to a point on the north right-of-way line of Husker Highway, said point also being the point of beginning; thence N00°33'56"W a distance of 393.79 feet; thence N89°37'30"E a distance of 75.92 feet; thence N00°19'02"W a distance of 179.87 feet; thence N89°38'32"E a distance of 80.85 feet to a point on the west line of Fairway Crossings at Indianhead Club 1st Subdivision; thence S00°00'06"E, along said west line a distance of 20.00 feet; thence S89°39'50"W a distance of 60.70 feet; thence S00°19'03"E a distance of 179.80 feet; thence S89°37'30"W a distance of 75.83 feet; thence S00°33'56"E a distance of 373.82 feet to a point on the north ROW line of Husker Highway; thence S89°39'31"W, along said north ROW line of Husker Highway, a distance of 20.00 feet to the point of beginning. Said temporary utility easement contains a calculated area of 14,207 square feet or 0.33 acres more or less.

and

Commencing at the southwest corner of Section 26-T11N-R10W; thence on an assumed bearing of N89°39'31"E, along the centerline of Husker Highway a distance of 1144.38 feet; thence N00°20'29"W a distance of 40.00 feet to a point on the north right-of-way line of Husker Highway, said point also begin the point of beginning; thence N00°33'56"W a distance of 353.82 feet; thence N89°37'30"E a distance of 75.74 feet; thence N00°19'03"W a distance of 179.82 feet; thence N89°39'50"E a distance of 40.70 feet to a point on the west line of Fairway Crossings at Indianhead Club 1st Subdivision; thence S00°00'06"E, along said west line a distance of 20.00 feet; thence S89°38'47"W a distance of 20.60 feet; thence S00°19'02"E a distance of 179.79 feet; thence S89°37'42"W a distance of 75.65 feet; thence S00°33'54"E a distance of 333.83 feet to a point on the north ROW line of Husker Highway; thence S89°39'31"W, along said north ROW Line of Husker Highway, a distance of 20.00 feet to the point of beginning. Said temporary utility easement contains a calculated area of 12,600 square feet or 0.29 acres more or less.

WHEREAS, such Temporary Construction easements have been reviewed and approved by the City Legal Department.

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 acquire the Temporary Construction easements on the above described tracts of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, December 4, 2018.

Roger G. Steele, Mayor

Attest:

Approved as to Form	☐ _____
November 30, 2018	☐ City Attorney

RaNae Edwards, City Clerk