



# City of Grand Island

Tuesday, January 14, 2020

Council Session

## Item D-1

### **#2020-BE-1 - Consideration of Determining Benefits for Sidewalk District No. 1- 2019; 13th Street**

*Council action will take place under Ordinances item F-3.*

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

# **Council Agenda Memo**

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

**Meeting:** January 14, 2020

**Subject:** Consideration of Determining Benefits for Sidewalk District No. 1- 2019; 13<sup>th</sup> Street

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

## **Background**

The Certificate of Final Completion for Sidewalk District No. 1- 2019; 13<sup>th</sup> Street was approved by City Council on December 17, 2019, via Resolution No. 2019-370; with January 14, 2020 set as the date for Council to sit as the Board of Equalization. Carlos Guerrero Construction of Grand Island, Nebraska was hired to perform such work in the amount of \$26,400.00. Work was completed at a price of \$26,723.48; with additional costs of \$5,139.47, all detailed below.

Original Bid	\$ 26,400.00
Overruns	\$ 323.48
<b>Sub Total (Construction Price) =</b>	<b>\$ 26,723.48</b>
Additional Costs:	
Grand Island Public Works Engineering – Engineering & Design	\$ 5,139.47
<b>Sub Total of Additional Costs =</b>	<b>\$ 5,139.47</b>
<b>TOTAL COST =</b>	<b>\$ 31,862.95</b>

Total project cost is \$31,862.95, all of which is assessable. The overrun was due to a thickened sidewalk crossing a driveway.

All work has been completed and special assessments have been calculated for the improvements.

## **Discussion**

The costs for this project will be assessed to the adjacent property. The payments are spread over seven (7) years at 7% simple interest. The first payment of principle only at 1/7<sup>th</sup> of the assessment is due 25 days after filing of the ordinance that levies the costs as approved at the Board of Equalization. The City has had multiple correspondences with the property owners and sent a reminder letter advising them that the BOE is scheduled for January 14, 2020 and the first payment will be due shortly after.

## **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 meet as the Board of Equalization to determine benefits and pass an ordinance to levy Special Assessments to the individual properties.

## **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for Sidewalk District No. 1- 2019; 13<sup>th</sup> Street.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Sidewalk District No. 1- 2019; 13<sup>th</sup> Street.



SIDEWALK DISTRICT BOUNDARY

STATE OF NEBRASKA     )  
  ) ss  
COUNTY OF HALL         )

**AFFIDAVIT OF MAILING**

RaNae Edwards, City Clerk, being first duly sworn on oath, deposes and says that she is the duly appointed and acting City Clerk of the City of Grand Island, Nebraska, and that on January 7, 2020; she mailed copies of the "Notice of Board of Equalization Hearing – Sidewalk District No. 1- 2019; 13<sup>th</sup> Street", which notice was first published in the Grand Island Independent on January 2, 2020, to the following named parties:

The Meadows Apartment Homes, LLC  
PO Box 139  
Grand Island, NE 68802

Hall County School District 2  
123 S Webb Rd  
Grand Island, NE 68803

Such communications were properly posted and deposited in the United States mail.

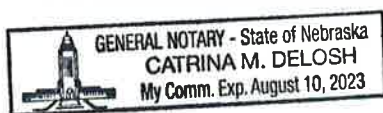
Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

Affiant further states that she, and her attorney, after diligent investigation and inquiry, were unable to ascertain and does not know the post office address of any other party appearing to have a direct legal interest in the proceedings other than the above parties to whom notice has been mailed.

DATED: January 7, 2020

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

Subscribed and sworn to before me this 7<sup>th</sup> date January, 2020.



  
\_\_\_\_\_  
Notary Public



## NOTICE OF BOARD OF EQUALIZATION HEARING

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### Details for NOTICE OF BOARD OF EQUALIZATION HEARING

Updated 7 hrs ago

NOTICE OF BOARD OF EQUALIZATION HEARING Sidewalk District No. 1- 2019; 13th Street NOTICE is hereby given to all persons owning real estate within the Sidewalk District No. 1- 2019; 13th Street in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on January 14, 2020 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of such sidewalk district. All owners of real estate within said sidewalk district, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made. By order of the City Council, Grand Island, Nebraska. RaNae Edwards, City Clerk 2-7-14

**DRAFT**

## ORDINANCE NO. \_\_\_\_\_

An ordinance assessing and levying a special tax to pay the cost of Sidewalk District No. 1- 2019; 13<sup>th</sup> Street of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide 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. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of Sidewalk District No. 1- 2019; 13<sup>th</sup> Street, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

Parcel No.	Owner	Legal Description	Assessment by Frontage
400200394	The Meadows Apartment Homes, LLC	Lot 3, Hanover Third Subdivision	\$ 14,115.29
400437430	Hall County School District 2	Block 2, Lot 1 Neumann Second Subdivision	\$ 17,747.66
			\$ 31,862.95

SECTION 2. The special tax shall become delinquent as follows: One-seventh of the total amount shall become delinquent in twenty-five (25) days; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; one-seventh in six years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within twenty-five (25) days from the date of this levy without interest, and the lien of special tax

Approved as to Form	by _____
January 7, 2020	City Attorney

DRAFT

thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate specified by Nebraska Revised Statutes Section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon until such installment is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Any provision of the Grand Island City Code and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. 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: January 14, 2020

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

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



RESOLUTION 2020-

DRAFT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sidewalk District No. 1- 2019; 13<sup>th</sup> Street, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$31,862.95, with benefits accruing to the real estate in such district to be the total sum of \$31,862.95; and

Such benefits are based on Sidewalk District No. 1- 2019; 13<sup>th</sup> Street at the adjacent property and are based on percentage of front footage; and

According to the area of the respective lots, tracts, and real estate within such Sidewalk District No. 1- 2019; 13<sup>th</sup> Street, such benefits are the sums set opposite the description as follows:

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Adopted by the City Council of the City of Grand Island, Nebraska, January 14, 2020.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

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

Approved as to Form ☐ \_\_\_\_\_  
January 7, 2020 ☐ City Attorney



R E S O L U T I O N   2020-BE-1

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Adopted by the City Council of the City of Grand Island, Nebraska, January 14, 2020.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

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

Approved as to Form	by _____
January 10, 2020	City Attorney