



# City of Grand Island

Tuesday, May 26, 2020

Council Session

## Item F-1

**#9765 - Consideration of Sale of Property Located at 3231 West Schimmer Drive (Parcel No. 400401746)**

Staff Contact: John Collins

# Council Agenda Memo

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

**Meeting:** May 26, 2020

**Subject:** Consideration of Sale of Property Located at 3231 West Schimmer Drive (Parcel No. 400401746)

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

## Background

On April 9, 2019, via Resolution No. 2019-127, City Council approved an agreement with Berkshire Hathaway Home Services Da-Ly Realty of Grand Island, Nebraska for real estate services at 3231 West Schimmer Drive (Parcel No. 400401746). With no City use for this parcel the sale of such will eliminate maintenance costs and liability for the City.

Two (2) offers were submitted on the subject property, which requires City Council approval. The original offer submitted from Midwest Waste Trucks, LLC has been pulled, as the prospective buyer did not share their plan/intent for the subject parcel as requested by City Council at the April 28, 2020 meeting. The 2<sup>nd</sup> offer from 3 Diamonds, Inc. has also been pulled, as the prospective buyer requested a condition of the sale be a sign variance to allow an outdoor advertising digital billboard, which isn't allowed per City Code Section 31-40 through 31-49.

## Discussion

At this time City staff is recommending the rejection of both proposals, as one doesn't comply with City Council's request of the plan/intent being shared by the prospective buyer and the other doesn't comply with City Code.

It has been explained to 3 Diamonds, Inc. the sign variance request cannot be a condition of the sale, as the legal way to request the variance is through zoning.

City staff would like to continue to market this property until an acceptable bid is received.

## **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 reject the proposal from Midwest Waste Trucks, LLC and 3 Diamond, Inc.

## **Sample Motion**

Move to approve.

ORDINANCE NO. 9765

An ordinance directing and authorizing the sale of Parcel No. 400401746, addressed as 3231 West Schimmer Drive, City of Grand Island, Hall County, Nebraska to Midwest Waste Trucks, LLC; 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 Midwest Waste Trucks, LLC, a Nebraska Limited Liability Company (“Buyer”), of the City’s interests in and to Parcel No. 400401746, address as 3231 West Schimemr Drive, Grand Island, Hall County, Nebraska is hereby approved and authorized.

SECTION 2. Consideration for such conveyance shall be One Hundred Thirty Six Thousand One Dollars and 00/100 (\$136,001.00) and other valuable considerations.

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 if 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

Approved as to Form	▣ _____
May 22, 2020	▣ City Attorney

ORDINANCE NO. 9765 (Cont.)

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.

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: May 26, 2020.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk