



City of Grand Island

Tuesday, August 25, 2020

Council Session

Item G-11

#2020-200 - Approving Acquisition and Payment to County Court for Just Compensation from Appraiser's Report for Public Right-of-Way, and Permanent and Temporary Easements for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (Barr None, LLC- 111 Diers Avenue)

This item relates to the aforementioned Public Hearing item E-4.

Staff Contact: John Collins

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: August 25, 2020

Subject: Approving Acquisition and Payment to County Court for Just Compensation from Appraiser's Report for Public Right-of-Way, and Permanent and Temporary Easements for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (Barr None, LLC- 111 Diers Avenue)

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

Background

The Old Potash Highway Roadway Improvements; Project No. 2019-P-1 is for improvements to Old Potash Highway, as well as intersecting roadways from North Road to Webb Road. The interaction between the various traffic features is complex, so an overall master plan was created to ensure that the individual projects will function together and address other safety issues in these areas. This plan includes widening and reconfiguring Old Potash Highway, signal and geometric improvements at each intersection, access management throughout the corridor, and improvements to the north and south of the Old Potash Highway corridor. Improvements are needed to allow the corridor to safely handle the ever increasing traffic in this area.

Discussion

A condemnation hearing was held in Hall County Court on August 14, 2020. The appointed Board of Appraisers has issued their determination. The following is a summary of the appraised amounts offered and the amounts based on the determination of the court appointed appraisers.

Barr None, LLC- 111 Diers Avenue

<i>Acquisition Type</i>	<i>Amount Offered</i>	<i>Condemnation Amount</i>
Public Right-of-Way	\$18,450.00	\$18,450.00
Permanent Utility Easement	\$ 5,280.00	\$12,375.00
Permanent Drainage Easement	\$19,470.00	\$12,375.00
Temporary Construction Easement	\$20,560.00	\$52,700.00

<i>Totals=</i>	<i>\$63,760.00</i>	<i>\$95,900.00</i>
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Once the court awarded amount is paid to the Hall County court this portion of the Old Potash Highway Roadway Improvements; Project No. 2019-P-1 can get underway. The owners have the right to appeal but his will not affect our ability to use the property as needed while the appeal process moves forward.

If the return of appraisers is appealed by either party, the case is tried over again in the District Court. The dollar amount is still in dispute until the appeal time runs out or until there is a final order from the Courts. If we do not pay the initial appraiser's award, we are deemed to have abandoned our case we may not seek condemnation on the same property for two (2) years.

Engineering staff of the Public Works Department negotiated with the property owner for such purchase.

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
BARR NONE, LLC	<p>A PERMANENT EASEMENT FOR ROAD RIGHT-OF-WAY CONSISTING OF PART OF A TRACT OF LAND DESCRIBED AS A PART OF LOT THREE (3), COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:</p> <p>BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, POINT ALSO BEING AT THE ITNERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF OLD POTASH HIGHWAY & EAST RIGHT-OF-WAY LINE OF DIERS AVENUE; THENCE ON AN ASSUMED BEARING OF N01°59'16"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 24.84 FEET; TEHNCE S45°48'00"E A DISTANCE OF 28.98 FEET; THENCE N89°28'39"E A DISTANCE OF 136.80 FEET; THENCE N37°10'05"E A DISTANCE OF 61.01 FEET TO A POINT ON THE WEST LINE OF HIGHWAY 281 AS DESCRIBED IN DEED DOCUMENT NO. 70-004933; THENCE S01°33'52"E ALONG THE WEST LINE OF SAID HIGHWAY 281, A DISTANCE OF 10.33 FEET TO A WESTERLY CORNER OF HIGHWAY 281 RIGHT-OF-WAY; THENCE S33°59'41"W ALONG A WESTERLY LINE OF SAID HIGHWAY 281 RIGHT-OF-WAY, A DISTANCE OF 51.59 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3, POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF OLD POTASH HIGHWAY; THENCE S89°30'38"W ALONG</p>	\$95,900.00

THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 165.02 FEET TO A POINT OF BEGINNING. SAID RIGHT-OF-WAY CONTAINS 1,366 SQUARE FEET MORE OR LESS

AND

A PERMANENT EASEMENT FOR A UTILITY EASEMENT CONSISTING OF PART OF A TRACT OF LAND DESCRIBED AS A PART OF LOT THREE (3), COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, NEBRASKA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A PROPOSED RIGHT-OF-WAY TRACT; THENCE ON AN ASSUMED BEARING N01°59'16"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 24.84 FEET TO THE NORTHWEST CORNER OF SAID PROPOSED ROW TRACT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N01°59'126"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 32.90 FEET TO A POINT OF CURVATURE; THENCE ON THE WEST LINE OF LOT 3, AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 7°00'29", A RADIUS OF 170.00 FEET, A CHORD BEARING OF N02°15'27"E WITH A CHORD DISTANCE OF 20.78 FEET, AN ARC LENGTH OF 20.79 FEET; THENCE S21°05'31"E A DISTANCE OF 57.58 FEET; THENCE S01°04'29"E A DISTANCE OF 20.13 FEET TO A POINT ON THE NORTH LINE OF SAID PROPOSED ROW TRACT; THENCE N45°48'00"W ALONG THE NORTHEASTERLY LINE OF SAID PROPOSED ROW TRACT, A DISTANCE OF 28.98 FEET TO A POINT OF BEGINNING. SAID PERMANENT UTILITY EASEMENT CONTAINS 782 SQUARE FEET MORE OR LESS.

AND

A PERMANENT EASEMENT FOR A DRAINAGE EASEMENT CONSISTING OF PART OF A TRACT OF LAND DESCRIBED AS A PART OF LOT THREE (3),

	<p>COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:</p> <p>COMMENCING AT A SOUTHEAST CORNER OF LOT 3, COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, NEBRASKA; THENCE ON AN ASSUMED BEARING OF S89°30'38"W ALONG THE NORTH RIGHT-OF-WAY LINE OF OLD POTASH HIGHWAY, A DISTANCE OF 35.01 FEET TO A SOUTHEAST CORNER OF A PROPOSED RIGHT-OF-WAY TRACT; THENCE N33°59'41"E ALONG THE SOUTHEAST LINE OF SAID PROPOSED RIGHT-OF-WAY TRACT, A DISTANCE OF 51.59 FEET TO A SOUTHEAST CORNER OF SAID PROPOSED RIGHT-OF-WAY TRACT; THENCE N01°30'24"W ALONG THE EAST LINE OF SAID PROPOSED RIGHT-OF-WAY TRACT, A DISTANCE OF 10.33 FEET TO THE NORTHEAST CORNER OF SAID PROPOSED RIGHT-OF-WAY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S37°10'05"W ALONG THE NORTHWESTERLY LINE OF SAID PROPOSED ROW TRACT, A DISTANCE OF 61.03 FEET TO A SOUTHEAST CORNER OF SAID PROPOSED ROW TRACT; THENCE S89°28'39"W ALONG THE NORTH LINE OF SAID PROPOSED ROW TRACT, A DISTANCE OF 12.12 FEET; THENCE N20°53'08"E A DISTANCE OF 80.91 FEET; THENCE N01°28'59"W A DISTANCE OF 73.36 FEET; THENCE N03°11'21"W A DISTANCE OF 95.09 FEET; THENCE N55°00'09"W A DISTANCE OF 21.43 FEET; THENCE N03°11'21"W A DISTANCE OF 10.83 FEET; THENCE N86°48'389"E A DISTANCE OF 27.24 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 281; THENCE S01°30'24"E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY 281, A DISTANCE OF 213.67 FEET TO A POINT OF BEGINNING. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 2,884 SQUARE FEET MORE OR LESS.</p> <p style="text-align: center;">AND</p> <p>A TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF PART OF A TRACT OF LAND DESCRIBED AS A PART OF LOT THREE (3),</p>	
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	<p>COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:</p> <p>COMMENCING AT A SOUTHWEST CORNER OF SAID LOT 3, POINT ALSO BEING A SOUTHWEST CORNER OF A PROPOSED RIGHT-OF-WAY TRACT; THENCE ON AN ASSUMED BEARING OF N01°59'16"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 57.74 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 7°00'29", A RADIUS OF 170.00 FEET, A CHORD BEARING OF N02°15'27"E WITH A CHORD BEARING OF 20.78 FEET, AN ARC LENGTH OF 20.79 TO THE NORTHWEST CORNER OF SAID PROPOSED UTILITY EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, TO A POINT OF CURVATURE; THENCE ALONG THE WESTERLY SIDE OF SAID LOT 3, AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 10°00'09", A RADIUS OF 170.00 FEET, A CHORD BEARING OF N10°45'46"E WITH A CHORD DISTANCE OF 29.64 FEET, AN ARC LENGTH OF 29.68 FEET; THENCE S47°51'39"E A DISTANCE OF 10.40 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER-CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 13°59'08", A RADIUS OF 160.00 FEET, A CHORD BEARING OF S08°08'47"W WITH A CHORD DISTANCE OF 38.96 FEET, AN ARC LENGTH OF 39.05 FEET; THENCE S21°05'31"E A DISTANCE OF 32.88 FEET; THENCE N89°28'39"E A DISTANCE OF 107.39 FEET; THENCE N30°53'08"E A DISTANCE OF 50.46 FEET; THENCE N01°28'59"W A DISTANCE OF 24.13 FEET; THENCE N88°31'01"E A DISTANCE OF 8.00 FEET; THENCE N01°28'59"W A DISTANCE OF 76.65 FEET; THENCE N55°00'09"W A DISTANCE OF 77.30 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 3, POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF DIERS AVENUE; THENCE N48°07'41"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 3, A DISTANCE OF 17.93 FEET TO A POINT OF CURVATURE; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 3, AROUND A CURVE IN A COUNTER-CLOCKWISE</p>	
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	<p> DIRECTION HAVING A DELTA ANGLE OF 25°55'05", A RADIUS OF 230.00 FEET, A CHORD BEARING OF N36°15'19"E WITH A CHORD DISTANCE OF 103.16 FEET, AN ARC LENGTH OF 104.04 FEET; THENCE N88°22'32"E A DISTANCE OF 15.89 FEET TO A POINT ON THE WEST LINE OF HIGHWAY 281 DEED NO. 79-004933; THENCE S01°30'24"E ALONG THE WEST LINE OF SAID HIGHWAY 281 CONDEMNATION DEED, LINE ALSO BEING THE WEST R.O.W. LINE OF HIGHWAY 281, A DISTANCE OF 52.73 FEET TO THE NORTHEAST CORNER OF A PROPOSED DRAINAGE EASEMENT; THENCE S86°48'39"W ALONG THE NORTH LINE OF SAID PROPOSED DRAINAGE EASEMENT, A DISTANCE OF 27.24 FEET TO THE NORTHWEST CORNER OF SAID PROPOSED DRAINAGE EASEMENT; THENCE S03°11'21"E ALONG A WESTERLY LINE OF SAID PROPOSED DRAINAGE EASEMENT, A DISTANCE OF 10.83 FEET TO A NORTHWESTERLY CORNER OF SAID PROPOSED DRAINAGE EASEMENT; THENCE S55°00'09"E ALONG A NORTHWESTERLY LINE OF SAID PROPOSED DRAINAGE EASEMENT, A DISTANCE OF 21.43 FEET TO A NORTHERLY CORNER OF SAID PROPOSED DRAINAGE EASEMENT; THENCE S03°11'21"E ALONG A WESTERLY LINE OF SAID PROPOSED DRAINAGE EASEMENT, A DISTANCE OF 95.09 FEET TO A WESTERLY CORNER OF SAID PROPOSED DRAINAGE EASEMENT; THENCE S01°28'59"E ALONG A WESTERLY LINE OF SAID PROPOSED DRAINAGE EASEMENT, A DISTANCE OF 73.36 FEET TO THE SOUTHERLY CORNER OF SAID PROPOSED DRAINAGE EASEMENT; THENCE S30°53'08"W ALONG A WESTERLY LINE OF SAID PROPOSED DRAINAGE EASEMENT, A DISTANCE OF 80.91 FEET TO THE SOUTHWEST CORNER OF SAID PROPOSED DRAINAGE EASEMENT, SAID POINT ALSO BEING ON THE NORTH LINE OF A PROPOSED RIGHT-OF-WAY TRACT; THENCE S89°28'39"W ALONG SAID NORTH LINE, A DISTANCE OF 124.68 FEET TO THE SOUTHEAST CORNER OF SAID PROPOSED UTILITY EASEMENT; THENCE N01°04'29"W ALONG THE EAST LINE OF SAID PROPOSED UTILITY EASEMENT, A DISTANCE OF 20.13 FEET TO THE NORTHEAST CORNER OF SAID PROPOSED UTILITY EASEMENT; THENCE N21°05'31"W ALONG THE NORTHEASTERLY LINE OF SAID PROPOSED UTILITY EASEMENT, A </p>	
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	DISTANCE OF 57.58 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY EASEMENT CONTAINS 15,226 SQUARE FEET MORE OR LESS.	
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TOTAL= \$95,900.00

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

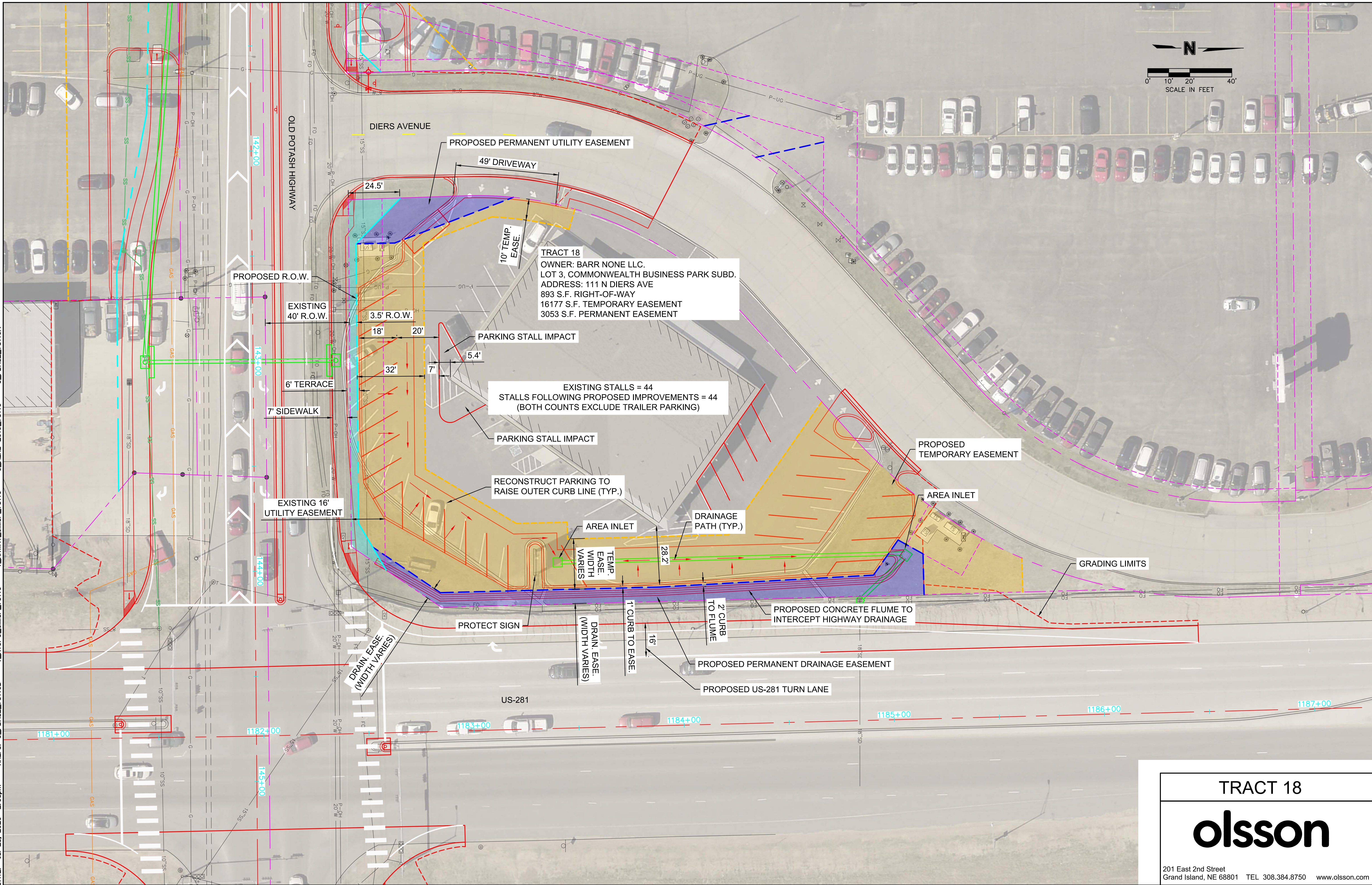
Recommendation

City Administration recommends that the Council approve payment to Hall County Court for Just Compensation from Appraisers Report for Public Right-of-Way, and Permanent and Temporary Easements for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (Barr None, LLC- 111 Diers Avenue).

Sample Motion

Move to approve the acquisitions.

DWG: F:\2017\3001-3500\017-3110-B\40-Design\Exhibits\Stakeholder meetings\Tract 18 (Western Edge)-20-03-20_73110B.dwg USER: zloomis
DATE: Jul 28, 2020 2:08pm XREFS: C:\PBASE\GMSP_73110 V_XRWAY_GMSP_73110 C_AERL_2019_73110 C_PBASE_73110A



TRACT 18

olsson

201 East 2nd Street
Grand Island, NE 68801 TEL 308.384.8750 www.olsson.com

RESOLUTION 2020-200

WHEREAS, through a public hearing and approval of Resolution No. 2020-200 on August 25, 2020, Grand Island City Council authorized City staff to acquire certain tracts of land for the Old Potash Highway Roadway Improvements; Project No. 2019-P-1 project area:

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
BARR NONE, LLC	<p>A PERMANENT EASEMENT FOR ROAD RIGHT-OF-WAY CONSISTING OF PART OF A TRACT OF LAND DESCRIBED AS A PART OF LOT THREE (3), COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:</p> <p>BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, POINT ALSO BEING AT THE ITNERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF OLD POTASH HIGHWAY & EAST RIGHT-OF-WAY LINE OF DIERS AVENUE; THENCE ON AN ASSUMED BEARING OF N01°59'16"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 24.84 FEET; TEHNCE S45°48'00"E A DISTANCE OF 28.98 FEET; THENCE N89°28'39"E A DISTANCE OF 136.80 FEET; THENCE N37°10'05"E A DISTANCE OF 61.01 FEET TO A POINT ON THE WEST LINE OF HIGHWAY 281 AS DESCRIBED IN DEED DOCUMENT NO. 70-004933; THENCE S01°33'52"E ALONG THE WEST LINE OF SAID HIGHWAY 281, A DISTANCE OF 10.33 FEET TO A WESTERLY CORNER OF HIGHWAY 281 RIGHT-OF-WAY; THENCE S33°59'41"W ALONG A WESTERLY LINE OF SAID HIGHWAY 281 RIGHT-OF-WAY, A DISTANCE OF 51.59 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3, POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF OLD POTASH HIGHWAY; THENCE S89°30'38"W ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 165.02 FEET TO A POINT OF BEGINNING. SAID RIGHT-OF-WAY CONTAINS 1,366 SQUARE FEET MORE OR LESS</p> <p>AND</p> <p>A PERMANENT EASEMENT FOR A UTILITY EASEMENT CONSISTING OF PART OF A TRACT OF LAND DESCRIBED AS A PART OF LOT THREE (3), COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS:</p> <p>COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, COMMONWEALTH BUSINESS PARK SUBDIVISION, AN ADDITION TO THE CITY OF GRAND ISLAND, NEBRASKA,</p>	\$95,900.00

Approved as to Form ☐ _____
August 20, 2020 ☐ City Attorney

SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A PROPOSED RIGHT-OF-WAY TRACT; THENCE ON AN ASSUMED BEARING N01°59'16"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 24.84 FEET TO THE NORTHWEST CORNER OF SAID PROPOSED ROW TRACT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N01°59'126"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 32.90 FEET TO A POINT OF CURVATURE; THENCE ON THE WEST LINE OF LOT 3, AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 7°00'29", A RADIUS OF 170.00 FEET, A CHORD BEARING OF N02°15'27"E WITH A CHORD DISTANCE OF 20.78 FEET, AN ARC LENGTH OF 20.79 FEET; THENCE S21°05'31"E A DISTANCE OF 57.58 FEET; THENCE S01°04'29"E A DISTANCE OF 20.13 FEET TO A POINT ON THE NORTH LINE OF SAID PROPOSED ROW TRACT; THENCE N45°48'00"W ALONG THE NORTHEASTERLY LINE OF SAID PROPOSED ROW TRACT, A DISTANCE OF 28.98 FEET TO A POINT OF BEGINNING. SAID PERMANENT UTILITY EASEMENT CONTAINS 782 SQUARE FEET MORE OR LESS.

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	<p>OF A PROPOSED RIGHT-OF-WAY TRACT; THENCE S89°28'39"W ALONG SAID NORTH LINE, A DISTANCE OF 124.68 FEET TO THE SOUTHEAST CORNER OF SAID PROPOSED UTILITY EASEMENT; THENCE N01°04'29"W ALONG THE EAST LINE OF SAID PROPOSED UTILITY EASEMENT, A DISTANCE OF 20.13 FEET TO THE NORTHEAST CORNER OF SAID PROPOSED UTILITY EASEMENT; THENCE N21°05'31"W ALONG THE NORTHEASTERLY LINE OF SAID PROPOSED UTILITY EASEMENT, A DISTANCE OF 57.58 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY EASEMENT CONTAINS 15,226 SQUARE FEET MORE OR LESS.</p>	
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TOTAL= \$95,900.00

WHEREAS, a condemnation hearing was held in Hall County Court on August 14, 2020 wherein the Board of Appraisers issued their determination; and

WHEREAS, in order to continue with the Old Potash Highway Roadway Improvements; Project No. 2019-P-1, it is necessary that the City deposit with Hall County Court the amount of \$95,900.00 as determined by the Board of Appraisers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City deposit with the Hall County Court the sum of \$95,900.00 in accordance with the laws of eminent domain.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 25, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk