



City of Grand Island

Tuesday, December 8, 2020

Council Session

Item G-14

#2020-329 - Approving Temporary Construction Easements for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions at 4007 Driftwood Drive (Pavelka)

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: December 8, 2020

Subject: Approving Temporary Construction Easements for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions at 4007 Driftwood Drive (Pavelka)

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

Background

Sanitary Sewer District No. 544 was continued by City Council through Resolution No. 2020-78 at their March 24, 2020 meeting.

A temporary construction easement is needed to accommodate the extension of sanitary sewer to serve an area previously unserved that is located within the new subdivision of Ellington Pointe and the existing subdivision of Westwood Park (see attached sketch), which must be approved by City Council. The temporary construction easement will allow for the installation of sanitary sewer to this area.

Discussion

A temporary construction easement is needed for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions to be constructed.

Public Works staff negotiated with the affected property owner for use of the temporary construction easement area, with the necessary document signed. The cost for this easement is for the impacts to the property such as sprinkler systems, landscaping, trees, moving fences, etc. The homeowner will be responsible for completing these items after construction of the sanitary sewer system is finished.

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
Robert J. Pavelka	THE WEST TWENTY (20) FEET OF LOT FORTY-FIVE (45) IN WESTWOOD PARK SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.	\$4,648.00

TOTAL= \$4,648.00

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 the Temporary Construction Easement between the City of Grand Island and the affected property owner for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions.

Sample Motion

Motion to approve the temporary construction easement.

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 ROBERT J. PAVELKA, herein referred to as "Owner", whether one or more.

Recitals

WHEREAS, the City intends to construct a sanitary sewer extension, 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.

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 described as follows:

TEMPORARY EASEMENT DESCRIPTION:

THE WEST TWENTY (20) FEET OF LOT FORTY-FIVE (45) IN WESTWOOD PARK SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.

to do such work as may be necessary or appropriate for the construction of a sewer extension for properties in Ellington Pointe and Westwood Park Subdivisions. Such right of entry shall include, but not be limited to the right to enter upon, travel over, excavate, lay spoil dirt, remove concrete pads, and other improvements, 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 Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions and continuing until the construction work is completed.

Section Three **Value of Improvement**

<u>Item</u>	<u>Value</u>
Fence Relocation	\$1,015.00
Sod Replacement	\$1,599.00
Tree/Shrub Replacement	\$ 559.00
Landscaping Restoration	\$ 600.00
Sprinkler Repair	\$ 875.00
<i>Total Compensation</i>	<i>\$4,648.00</i>

Section Four **Severance Damages**

There are no severance damages.

Section Five
Remarks

The City shall restore the premises to grade prior to the termination of this agreement. The City shall seed any disturbed areas.

Section Six
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: November 30, 2020

ROBERT J. PAVELKA, OWNER

BY Robert J. Pavelka
STATE OF NEBRASKA)
COUNTY OF HALL) ss

On this 30th day of November, 2020, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ROBERT J. PAVELKA, OWNER, to me known to be the identical person who signed the foregoing Public Utilities Easement and acknowledges the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.



Patricia A. Gericke
Notary Public

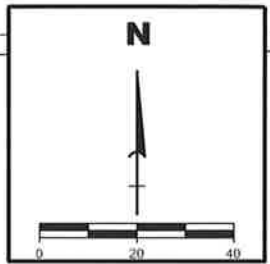
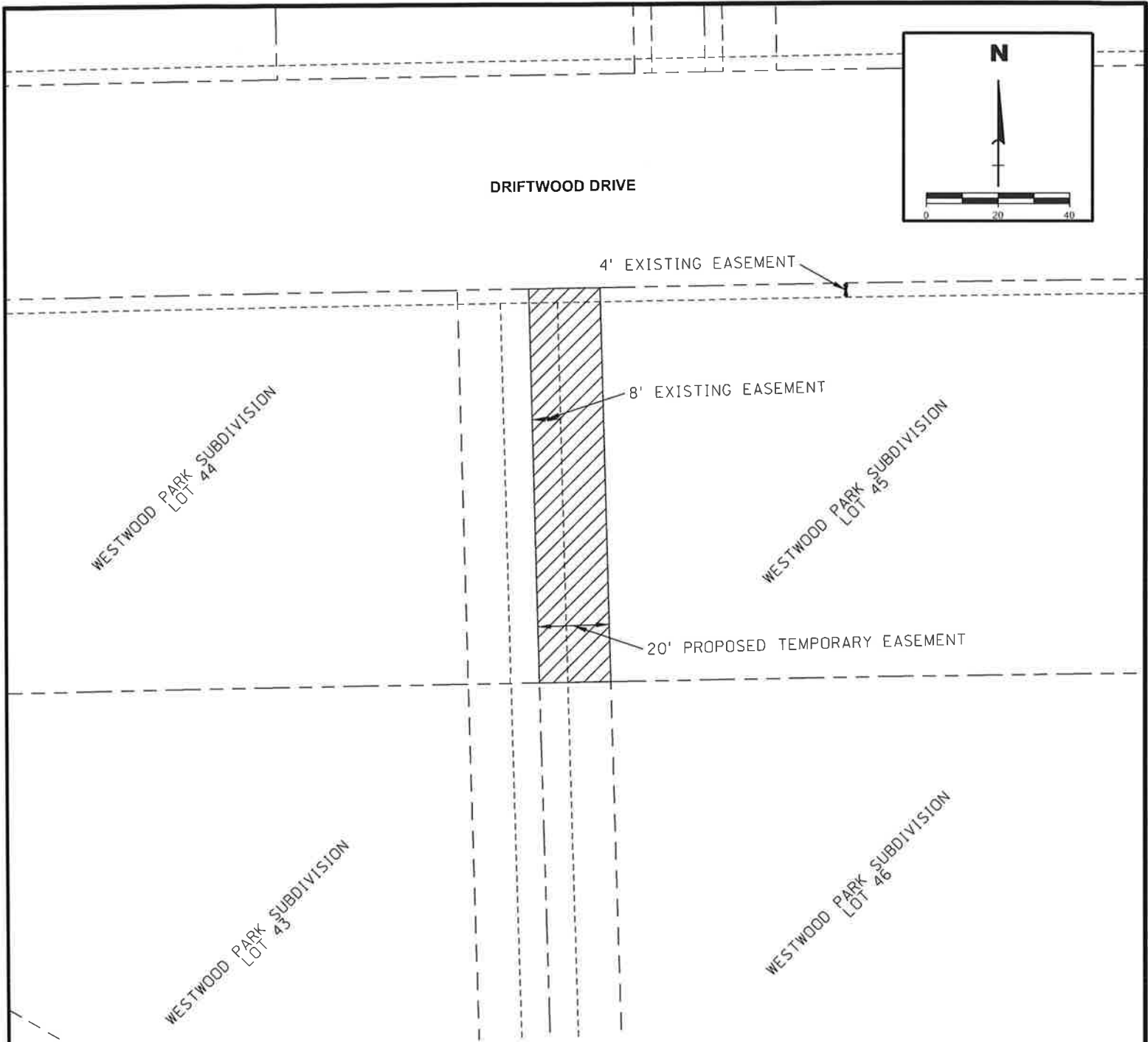
CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

BY _____
ROGER G. STEELE, MAYOR

ATTEST _____
RANAE EDWARDS, CITY CLERK

PLEASE RETURN TO:
CATRINA DELOSH
PUBLIC WORKS DEPT
PO BOX 1968
GRAND ISLAND, NE 68802

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Pavelka Temporary Easement
Sanitary Sewer District No. 544



TEMPORARY CONSTRUCTION EASEMENT #5 DESCRIPTION

THE WEST TWENTY (20) FEET OF LOT FORTY-FIVE (45) IN WESTWOOD PARK SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

LEGEND

- — — — — RIGHT OF WAY
- EXISTING EASEMENT LINE
- - - - - TEMP. EASEMENT LINE
- PERM. EASEMENT LINE
- TEMP. EASEMENT AREA
- PERM. EASEMENT AREA

EXHIBIT	PROJECT NO.	11908 02
5	DRAWN BY:	CTP
	DATE:	JUL. 2020

ELLINGTON POINTE AND WESTWOOD PARK SUB. - LOT 45
 SANITARY SEWER DISTRICT 544
 GRAND ISLAND, NEBRASKA



RESOLUTION 2020-329

WHEREAS, a temporary construction easement is required by the City of Grand Island for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions, to construct such project; and

WHEREAS, acquisition of the temporary easement is as follows:

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
Robert J. Pavelka	THE WEST TWENTY (20) FEET OF LOT FORTY-FIVE (45) IN WESTWOOD PARK SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.	\$4,648.00

TOTAL= \$4,648.00

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 such temporary easement from the listed property owner, on the above-described tract of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, December 8, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____
December 4, 2020 ✕ City Attorney