



# City of Grand Island

Tuesday, August 10, 2021

Council Session

## Item F-2

**#9839 - Consideration of Approving Conveyance of Property to the Nebraska Department of Veterans Affairs (Second and Final Reading)**

Staff Contact: Jerry Janulewicz

## **Council Agenda Memo**

**From:** Jerry Janulewicz, City Administrator

**Meeting:** August 10, 2021

**Subject:** Conveyance of Land for State Veterans Cemetery

**Presenter(s):** Jerry Janulewicz, City Administrator

### **Background**

During the 2020 session of the Nebraska Legislature, LB 911 was adopted and signed by the Governor. The bill provided in part that “the Director of Veterans' Affairs shall negotiate with the city of Grand Island to acquire an exclusive option for the transfer of title to the former Nebraska Veterans Memorial Cemetery in the city of Grand Island and land adjacent to the cemetery, as identified in the required program statement, owned by the city of Grand Island. After being granted funding assistance from the National Cemetery Administration, the director shall accept from the city of Grand Island, at no cost, title to the real estate described in this subdivision in order to establish a state cemetery for veterans.”

To obtain funding from the National Cemetery Administration the State of Nebraska must demonstrate that the City of Grand Island will convey to the state the existing cemetery and an additional lands upon the State's receipt of a grant opportunity letter from the National Cemetery Administration. It is unknown when a grant opportunity letter will be issued as grant requests to establish a veterans cemetery or to expand an existing cemetery are based upon a ranking order and the amount of funds available. The proposed ordinance, if approved by council, would authorize the City's mayor and city clerk to execute and deliver a deed to the surveyed tract to the State upon the City's receipt of documentation of a grant opportunity letter issued to the State.

### **Discussion**

The attached survey description and drawing defines the tract to be transferred to the Nebraska Department of Veterans Affairs. Included within the area are utility easements and rights-of-way to be retained by the City. Arrangement will be made to preserve the ability to irrigate the agricultural lands retained by the city, either through easements or the installation of a new well, and protect the tenant's rights in and to growing crops at the time of transfer to the state.

B 911 eliminated the requirement of public notice and remonstrance when making this conveyance for state veterans cemetery purposes. The bill also authorizes the city to convey the lands without consideration for the transfer.

### **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 the ordinance be adopted.

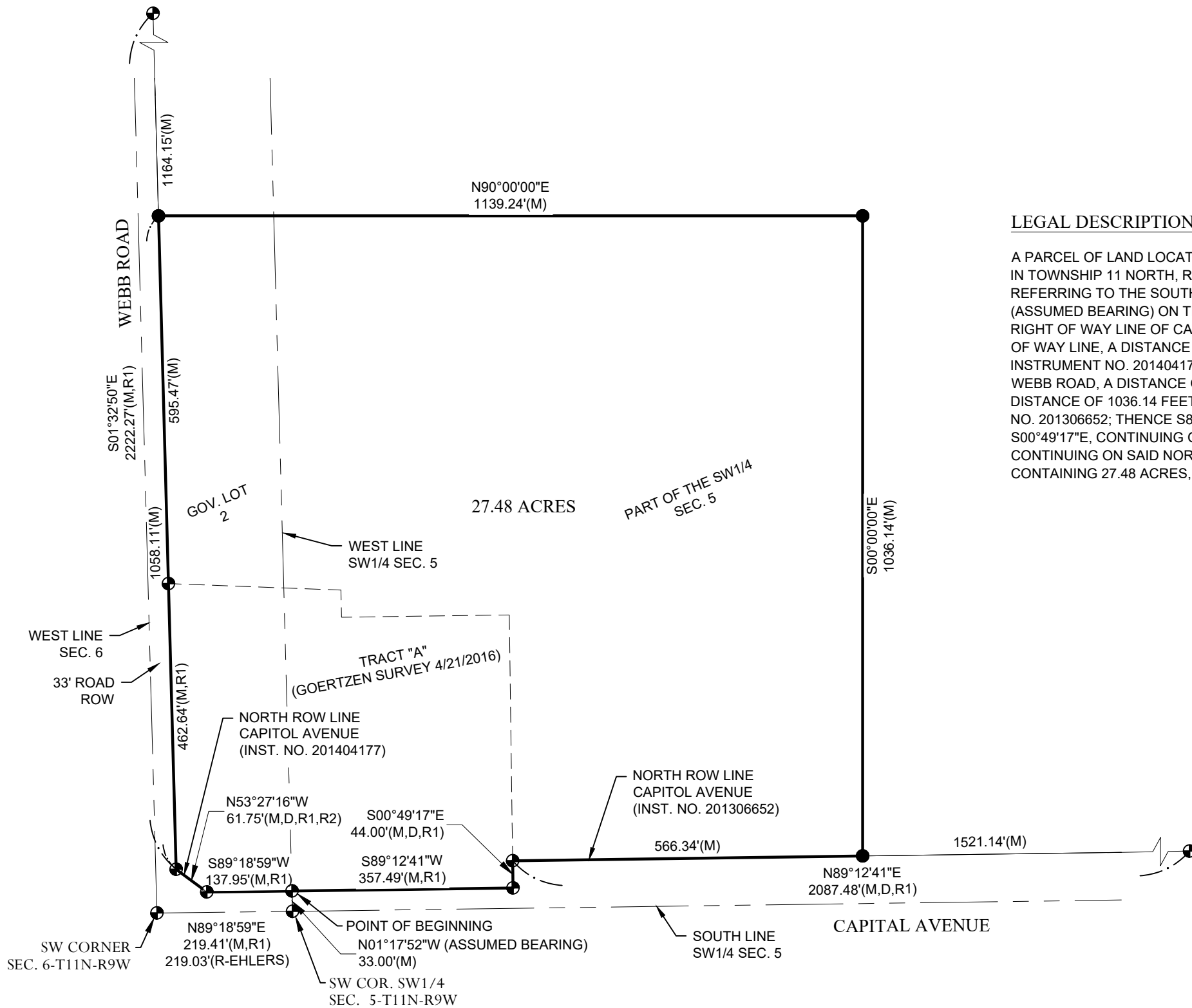
### **Sample Motion**

Move to approve the ordinance.

PT. GOV. LOT 2 OF SEC. 6  
PT. SW1/4 OF SEC. 5  
T11N-R9W OF THE SIXTH P.M.  
HALL COUNTY, NEBRASKA

NEBRASKA VETERANS CEMETERY

PROJECT NO. 201498  
DATE 7/14/2021  
DRAWN BY AWH  
FILE NAME 201498 PLAT.dwg  
FIELD BOOK GRAND ISLAND 3  
FIELD CREW AG  
SURVEY FILE NO. 000000

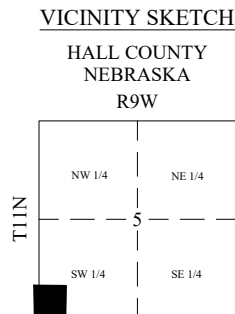


**LEGAL DESCRIPTION:**

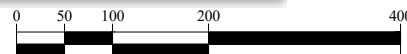
A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 IN SECTION 6 AND THE SOUTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH , HALL COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE N01°17'52"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITOL AVENUE AND THE POINT OF BEGINNING; THENCE S89°18'59"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 137.95 FEET; THENCE N53°27'16"W ON SAID NORTH RIGHT OF WAY LINE AS DESCRIBED IN INSTRUMENT NO. 201404177, A DISTANCE OF 61.75 FEET; THENCE N01°32'50"W, ON THE EAST RIGHT OF WAY LINE OF WEBB ROAD, A DISTANCE OF 1058.11 FEET; THENCE N90°00'00"E, A DISTANCE OF 1139.24 FEET; THENCE S00°00'00"E, A DISTANCE OF 1036.14 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITOL AVENUE AS DESCRIBED IN INSTRUMENT NO. 201306652; THENCE S89°12'41"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 566.34 FEET; THENCE S00°49'17"E, CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 44.00 FEET; THENCE S89°12'41"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 357.49 FEET TO THE POINT OF BEGINNING, CONTAINING 27.48 ACRES, MORE OR LESS.



- LEGEND**
- MONUMENT FOUND
  - MONUMENT SET
  - CALCULATED POINT
  - D DEEDED DISTANCE
  - G GOVERNMENT DISTANCE
  - M MEASURED DISTANCE
  - P PLATTED DISTANCE
  - R1 RECORDED DISTANCE-GOERTZEN 2016
  - R2 RECORDED DISTANCE-HURT 2014



NOTE: ALL BEARINGS ARE ASSUMED.



\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 9839

An ordinance directing and authorizing the conveyance of real estate to the State of Nebraska, Department of Veterans Affairs; providing for a condition precedent to execution and delivery of a deed; providing the terms thereof; and providing the effective date hereof.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. The conveyance to State of Nebraska Department of Veterans' Affairs ("Grantee") of the following described tract located in the City of Grand Island, Hall County, Nebraska is hereby authorized and directed, to wit:

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 IN SECTION 6 AND THE SOUTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH P.M., HALL COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE N01°17'52"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITAL AVENUE AND THE POINT OF BEGINNING; THENCE S89°18'59"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 137.95 FEET; THENCE N53°27'16"W ON

|                     |               |
|---------------------|---------------|
| Approved as to Form | by _____      |
| October 21, 2021    | City Attorney |

ORDINANCE NO. 9839 (Cont.)

SAID NORTH RIGHT OF WAY LINE AS DESCRIBED IN INSTRUMENT NO. 201404177, A DISTANCE OF 61.75 FEET; THENCE N01°32'50"W, ON THE EAST RIGHT OF WAY LINE OF WEBB ROAD, A DISTANCE OF 1058.11 FEET; THENCE N90°00'00"E, A DISTANCE OF 1139.24 FEET; THENCE S00°00'00"E, A DISTANCE OF 1036.14 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITAL AVENUE AS DESCRIBED IN INSTRUMENT NO. 201306652; THENCE S89°12'41"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 566.34 FEET; THENCE S00°49'17"E, CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 44.00 FEET; THENCE S89°12'41"W CONTINUING ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 357.49 FEET TO THE POINT OF BEGINNING, CONTAINING 27.48 ACRES, MORE OR LESS.

SECTION 2. City shall retain and reserve to the City all existing public utility easements and public rights-of-way.

SECTION 3. City shall reserve and retain non-exclusive easements over two strips fifty (50) feet wide for access, ingress, and egress, and to operate, maintain, repair, replace, and remove the irrigation wells, pumps, electrical connections, pipes and related irrigation equipment located on the west side and on the south side of the land described in Section 1, above, said easements to be used for the purpose of providing irrigation for and water to City's agricultural lands located in the south one-half of section 6 and the southwest quarter of section 5 all in Township 11 North, Range 9 West of the Sixth P.M., Hall County, Nebraska. Said easement shall lapse upon non-use by City and its assigns.

SECTION 4. Conveyance of the above-described lands shall be subject to the annual agricultural lease agreements existing at the time of conveyance.

SECTION 5. In consideration for this conveyance the Grantee shall establish, construct, maintain, administer, and operate upon the aforesaid lands a State Veterans Cemetery pursuant to the authority granted by Nebraska Revised Statute Sec. 12-1301(1)(b) (Laws 2020 LB911).

ORDINANCE NO. 9839 (Cont.)

SECTION 6. A condition precedent to the authority provided hereby to the City's Mayor and City Clerk shall be City's receipt of documentary evidence that the National Cemetery Administration issued to Grantee a grant opportunity letter to fund the establishment of a State Veterans Cemetery to be located upon the above-described lands.

SECTION 7. As provided by Nebraska Revised Statute Sec. 16-202(4) the conveyance authorized hereby shall not require publication of notice nor a public right of remonstrance petition objecting to the said conveyance.

SECTION 8. Upon City's receipt of documentary evidence that the National Cemetery Administration has issued to Grantee a grant opportunity letter to fund the establishment of a State Veterans Cemetery to be located upon the above-described lands, conveyance of said real estate is hereby authorized, directed, and confirmed and the mayor and city clerk shall make, execute, and deliver to the said State of Nebraska, Department of Veterans Affairs a deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the city council.

SECTION 9. This ordinance shall be in force and take effect from and after its passage and publication as provided by law.

Enacted: August 10, 2021.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk