



City of Grand Island

Tuesday, May 28, 2013

Council Session

Item G-10

#2013-157 - Approving Deferral of Assessments for Agricultural Property Located within the Boundaries of Street Improvement District No. 1261; Westgate Road – North Road East to Paved Section of Westgate Road

Staff Contact: John Collins, PE - Public Works Director

Council Agenda Memo

From: Terry Brown PE, Manager of Engineering Services

Meeting: May 28, 2013

Subject: Approving Deferral of Assessments for Agricultural Property, Located within the Boundaries of Street Improvement District No. 1261; Westgate Road – North Road East to Paved Section of Westgate Road

Item #'s: G-10

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

Background

City Council action is required to approve deferral of special assessments. The City Council created Street Improvement District No. 1261; Westgate Road – North Road east to paved section of Westgate Road, on April 23, 2013. Little B's Corporation is an owner of the agricultural land within the district.

Agriculture deferments are governed by Neb. Rev. Stat. Sec. 19-2429. That statute requires the owner of agricultural land to apply for a deferment with the City Council within ninety days of the creation of the improvement district.

Discussion

Little B's Corporation has requested an agricultural use deferral be granted for assessments from Street Improvement District No. 1261. During the agriculture deferral no principal payments would become due and no interest would accrue on the assessment.

Upon termination of the agricultural deferral status Nebraska Revised Statutes §19-2430 affirms the principal amount of the special assessment shall be amortized over a term of ten (10) years from that date. The first such installment shall become delinquent in fifty (50) days after termination of deferral. Each installment except the first shall draw interest a seven percent (7%) per annum from and after the date of termination of deferral until the same shall become delinquent. Delinquent installments shall draw interest at fourteen percent (14%) per annum.

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 agricultural deferment for Little B's Corporation on Street Improvement District No. 1261; Westgate Road – North Road east to paved section of Westgate Road.

Sample Motion

Move to approve the agricultural deferment.

May 14, 2013

City of Grand Island
Members of the Grand Island City Council
100 East First Street
P.O. Box 1968
Grand Island, NE. 68802



Re: Street Improvement District No. 1261

The Ordinance was passed by the Grand Island City Council on April 23, 2013 creating the above referenced Street Improvement District completing the West end of Westgate Road to North Road. Little B's Corporation is the owner of record of miscellaneous tracts along the North side of and abutting the newly created Improvement District. The land which is owned by Little B's Corp. has been and continues to be used strictly for agricultural production of row crops.

In accordance with Nebraska State Statutes 19-2428 and 19-2429, Little B's Corporation is formally requesting that the Grand Island City Council consider and approve granting an Agricultural Deferral from the assessments for the improvements to be constructed as part of this Street Improvement District No. 1261. In addition, we also ask that the same be granted for any other special assessments which may arise from other Improvement Districts (i.e. water, sewer and drainage) which may be created requisite for completion of said District.

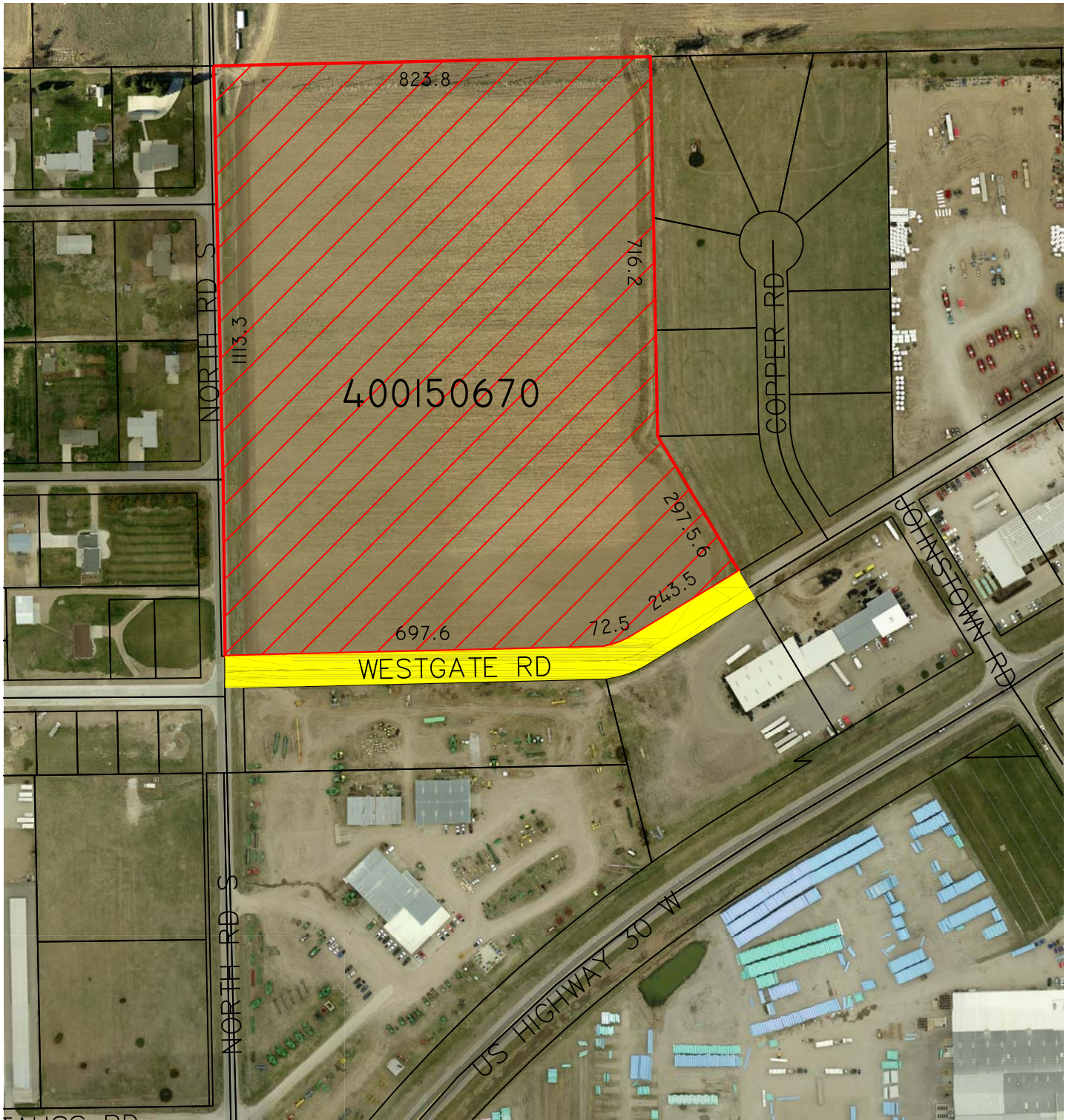
Due to Little B's not knowing the exact time schedule when the activities associated with the District will take place, Little B's Corporation is also notifying the City of Grand Island that the crop inputs have been planted, placed and/or applied. The City of Grand Island shall contact the Little B's representative prior to any personnel (City or independent contractor/s) accessing the property for the purposes of surveying, grading, leveling or any other activities. The purpose of the discussion at that time would be to determine the damages which may be incurred by said activity in the area of the crop as well as determining the value of any necessary temporary construction easements to accommodate the construction of this/these projects.

Respectfully submitted,

Greg Baxter – President
Little B's Corporation

cc: Mitchell Clark
Hall County Register of Deeds
121 S. Pine Street
Grand Island, NE. 68801

cc: pw
Legal

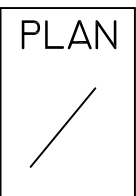


- = PROPOSED PAVING DISTRICT
- = AG DEFERMENT AREA



DATE: 05/16/13
DRAWN BY: TJY
APPVD. BY:
SCALE: NONE

WESTGATE RD POTENTIAL
STREET IMPROVEMENT
AG DEFERMENT AREA



RESOLUTION 2013-157

WHEREAS, on April 23, 2013, by Ordinance No. 9247, the City of Grand Island created Street Improvement District No. 1261; and

WHEREAS, such district included land adjacent to the City, some of which was and continues to be within an agricultural use zone and is used exclusively for agricultural use; and

WHEREAS, such land, owned by Little B's Corporation, continues to be used exclusively for agricultural uses; and

WHEREAS, Little B's Corporation has requested that such deferral from special assessments be continued as long as the property is used exclusively for agricultural purposes as provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The special assessments to be levied under Street Improvement District No. 1261 upon the tract of land described as Part of the South Half of the Northwest Quarter (S ½ NW ¼) of Section Twenty Four (24), Township Eleven (11), Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, be deferred until terminated in accordance with Neb. Rev. Stat. §19-2430.
2. That during said deferrals, no principal payments shall become due and no interest shall accrue upon the assessment.
3. That the special assessment shall be divisible upon a front foot basis in the event a portion of the land shall no longer be eligible for deferral.
4. That upon termination of deferral, the principal amount of the special assessment shall be amortized over a term of ten (10) years from that date. The first such installment shall become delinquent in fifty (50) days after termination of deferral. Each installment except the first shall draw interest at seven percent (7%) per annum from and after the date of termination of deferral until the same shall become delinquent. Delinquent installments shall draw interest at fourteen percent (14%) per annum.

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Adopted by the City Council of the City of Grand Island, Nebraska, May 28, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 24, 2013	☐ City Attorney