



City of Grand Island

Tuesday, May 28, 2013

Council Session

Item E-5

Public Hearing on Acquisition of Public Right-of-Way in Summerfield Estates 5th Subdivision (Little B's Corporation)

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

Council Agenda Memo

From: Terry Brown PE, Manager of Engineering Services

Meeting: May 28, 2013

Subject: Public Hearing on Acquisition of Public Right-of-Way in Summerfield Estates 5th Subdivision (Little B's Corporation)

Item #'s: E-5 & G-8

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

Background

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council. The developer of Summerfield Estates 5th Subdivision, Little B's Corporation, has offered the dedication of public right-of-way to allow realignment of roadway to conform to the revised preliminary plat.

Discussion

To allow for development of Lot Six (6), Block One (1) and Lot Eight (8), Block Two (2) of Summerfield Estates 5th Subdivision it is requested that a portion of each lot be dedicated to the City as public right-of-way (see attached sketches).

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 conduct a Public Hearing and approved acquisition of the public right-of-way.

Sample Motion

Move to conduct a Public Hearing and approve the acquisition of the public right-of-way.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

PUBLIC RIGHT-OF-WAY

LITTLE B'S CORPORATION, a Nebraska Corporation, herein called the Grantor, in consideration of ONE DOLLAR (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants and conveys unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a permanent and perpetual public right-of-way to construct, operate, maintain, extend, repair, replace, and remove public utilities, including but not limited to, sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through a tract of land comprising a part of Summerfield Estates 5th Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

- 1 -

A TRACT OF LAND CONSISTING OF PART OF LOT 6, BLOCK 1 OF SUMMERFIELD ESTATES 5TH SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER (W ½, SW ¼) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF WARBLER ROAD AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N89 51'51"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 37.08 FEET; THENCE DEPARTING SAID NORTH R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 34 27'31", AN ARC LENGTH OF 21.05 FEET, A RADIUS OF 35.00 FEET AND A CHORD BEARING N72 54'24"E FOR A DISTANCE OF 20.73 TO A POINT OF REVERSE CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 18 19'43", AN ARC LENGTH OF 19.19 FEET, A RADIUS OF 60.00 FEET AND A CHORD BEARING N64 50'30"E FOR A DISTANCE OF 19.11 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE S00 08'09"W ALONG SAID EAST LINE A DISTANCE OF 14.31 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 225.44 SQUARE FEET MORE OR LESS.

AND,

A TRACT OF LAND CONSISTING OF PART OF LOT 8, BLOCK 2 OF SUMMERFIELD ESTATES 5TH SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER (W ½, SW ¼) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S00 08'09"W ALONG THE EAST LINE OF SAID LOT 8 A DISTANCE OF 30.00 FEET; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 90 00'00", AN ARC LENGTH OF 47.12 FEET, A RADIUS OF 30.00 FEET AND A CHORD BEARING N44 51'51"W FOR A DISTANCE OF 42.43 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 8, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF WARBLER ROAD; THENCE S89 51'51"E ALONG SAID SOUTH R.O.W. LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 193.14 SQUARE FEET MORE OR LESS.

together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted, to excavate and refill ditches and trenches, and the right to clear and keep clear of trees, roots, brush, hedges, undergrowth, and other obstructions from the surface of such tracts interfering with the location, construction, inspection,

repair, replacement, removal, and maintenance of such utilities. Any such utilities and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee and may be removed or replaced at any time.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted on said tract and that the public right-of-way herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

DATED: _____, 2013

GRANTOR:

LITTLE B'S CORPORATION
A Nebraska Corporation

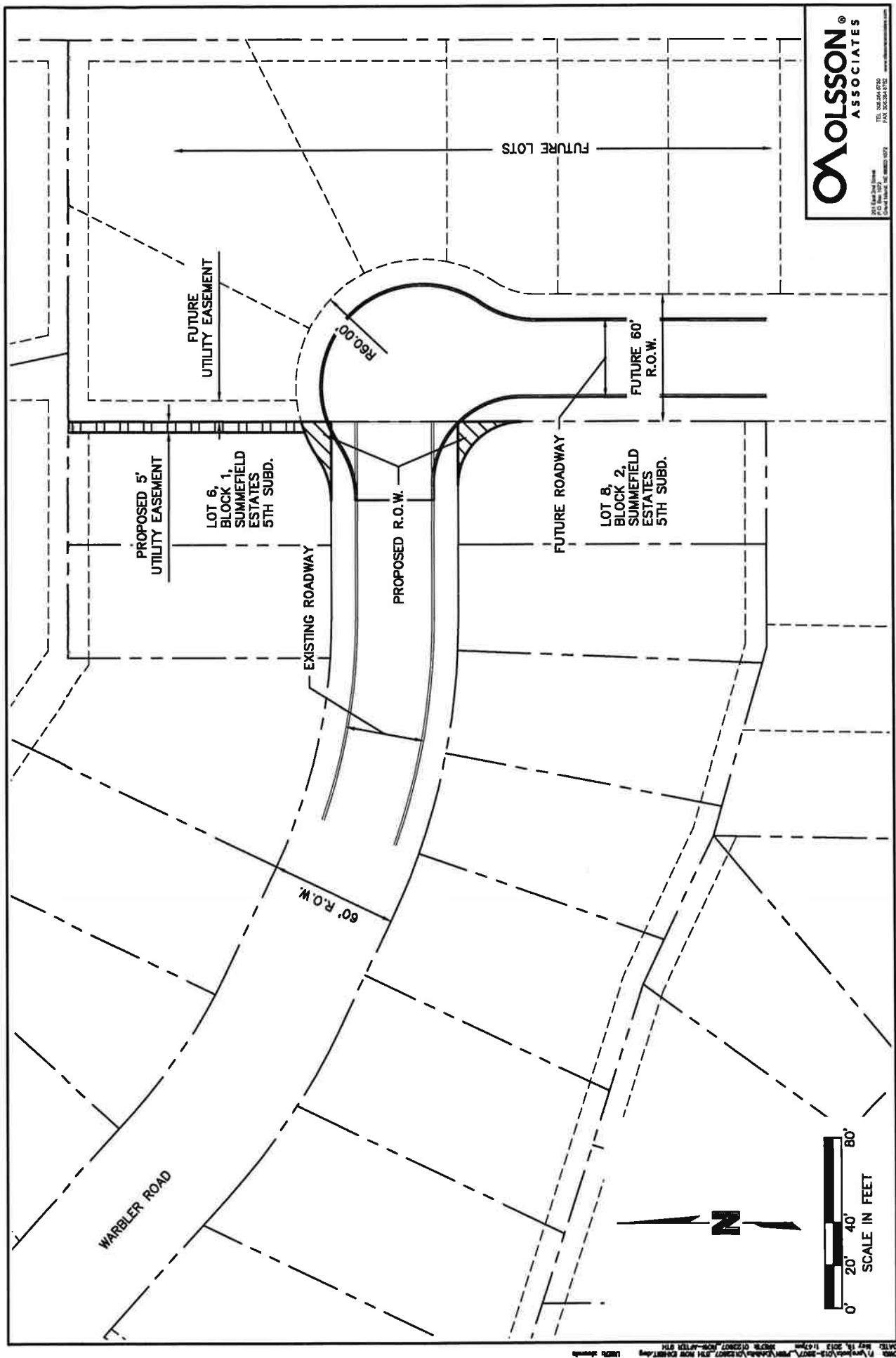
BY _____
Greg Baxter, President

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

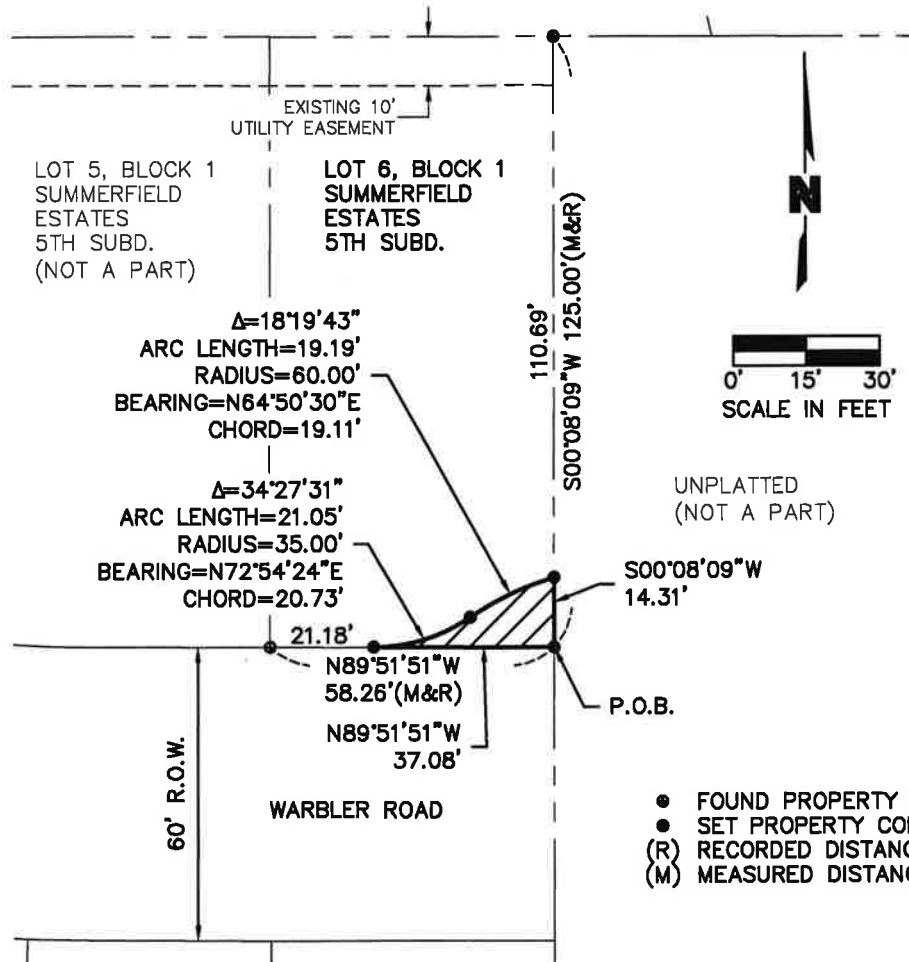
On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared GREG BAXTER, PRESEIDENT, to me known to be the identical person who signed the foregoing Public Utilities Easement and acknowledges the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

Notary Public



SURVEY RECORD
CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
LOT 6, BLOCK 1
SUMMERFIELD ESTATES 5TH SUBDIVISION



LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 6, BLOCK 1 OF SUMMERFIELD ESTATES 5TH SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2, SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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JAI JASON ANDRIST, NEBRASKA REGISTERED LAND SURVEYOR NO. LS-630

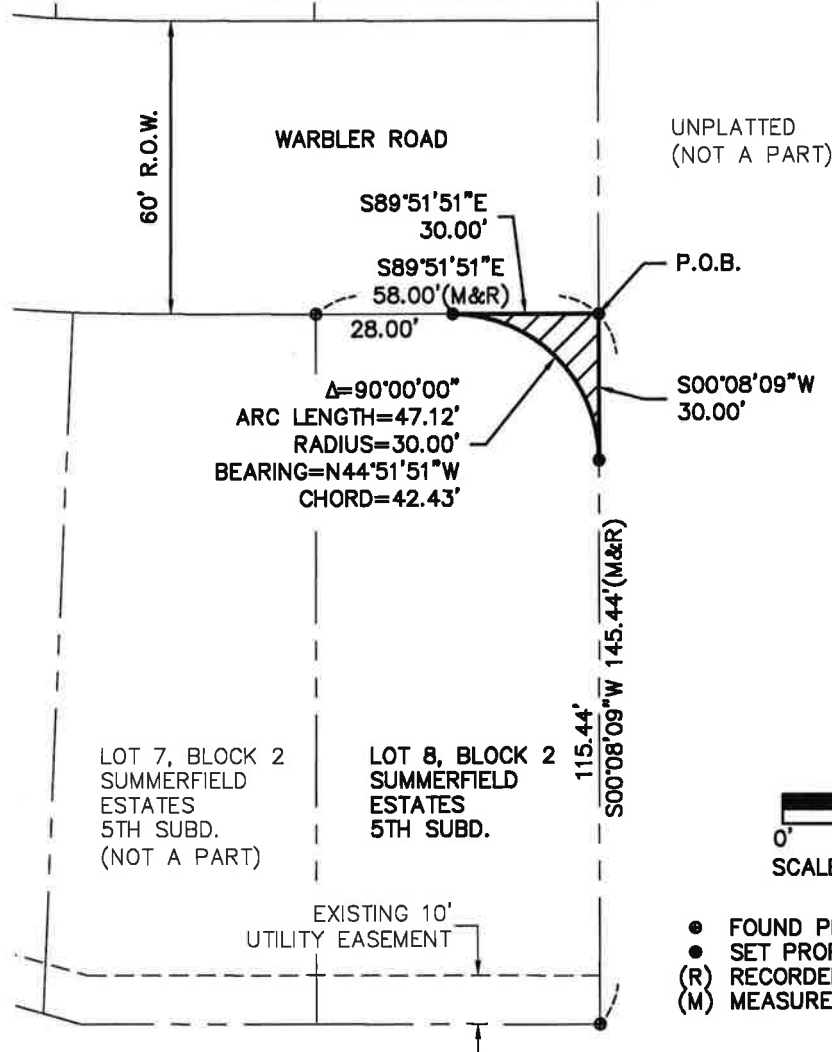
DATE

MOLSSON
ASSOCIATES

201 East 2nd Street
P.O. Box 1072
Grand Island, NE 68802-1072
TEL 308.384.8750
FAX 308.384.8752

DWC: F:\projects\012-2807\Final_Plot\0122807_5TH ROW.dwg
DATE: May 16, 2013 12:49pm
USER: zloomis
XREFS: 0122807_ROW

SURVEY RECORD
CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
LOT 8, BLOCK 2
SUMMERFIELD ESTATES 5TH SUBDIVISION



- FOUND PROPERTY CORNER
- SET PROPERTY CORNER
- (R) RECORDED DISTANCE
- (M) MEASURED DISTANCE

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 8, BLOCK 2 OF SUMMERFIELD ESTATES 5TH SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2, SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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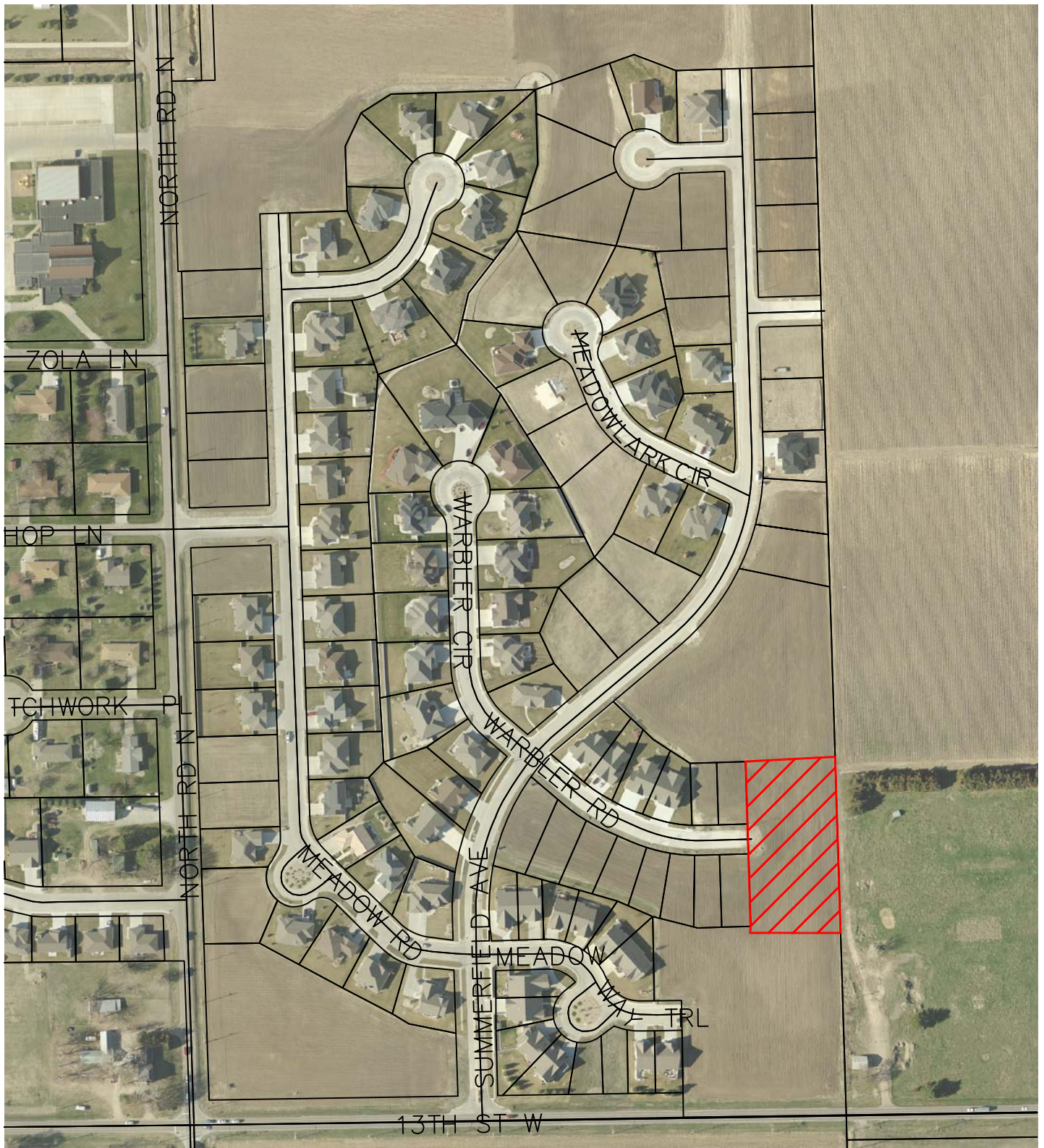
JAI JASON ANDRIST, NEBRASKA REGISTERED LAND SURVEYOR NO. LS-630

DATE _____

MOLSSON
ASSOCIATES

201 East 2nd Street
P.O. Box 1072
Grand Island, NE 68802-1072
TEL 308.384.8750
FAX 308.384.8752

USER: zoomis
DWG: F:\projects\012-2807\PBIN\Final_Plot\0122807_5TH ROW.dwg
DATE: May 16, 2013 1:06pm
XREFS: 0122807_ROW



= EASEMENT DEDICATION AREA

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 05/21/13

DRAWN BY: TJY

APPVD. BY:

SCALE: NONE

SUMMERFIELD 5TH EDITION

EASEMENT DEDICATION

PLAN

