



City of Grand Island

Tuesday, July 23, 2013

Council Session

Item G-14

#2013-239 - Approving Use of Land Owned by the City of Grand Island for Facilities to be Constructed on the Capital Avenue-Webb Road to Broadwell Avenue Widening Project and North Interceptor Phase II, Part B; Sanitary Sewer Project No. 2013-S-4

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

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: July 23, 2013

Subject: Approving Use of Land Owned by the City of Grand Island for Facilities to be Constructed on the Capital Avenue - Webb Road to Broadwell Avenue Project and North Interceptor Phase II, Part B; Sanitary Sewer Project No. 2013-S-4

Item #'s: G-14

Presenter(s): John Collins, Public Works Director

Background

The City and the Nebraska Department of Roads (NDOR) entered into an agreement, which was executed by the City on May 24, 2011 by Resolution No. 2011-124, which specified various duties and funding responsibilities for the Capital Avenue – Webb Road to Broadwell Avenue project. The agreement required that NDOR Standards and Specifications are to be used for design, construction inspection and quality control.

This project will consist of removal of the existing 24 foot wide asphalt roadway and construction of new concrete pavement on Capital Avenue from Webb Road through Broadwell Avenue. The new roadway will consist of five lane curbed concrete pavement. Other improvements include construction of sidewalks and a concrete hike/bike trail, updated street lighting, and construction of new storm sewer. A pedestrian signal will be constructed approximately 1000 feet east of Webb Road to provide for safe crossing for users of the hike/bike trail.

The project requires relocation of the overhead electric transmission line on the north side of Capital Avenue. Acquisition of right-of-way and a utility easement is required. This project will be coordinated with new sanitary sewer to be constructed under the North Interceptor project. This area will be utilized by the sanitary sewer also.

Discussion

As per guidance from the Nebraska Department of Roads, a critical component of any federal aid public transportation project is the land rights needed to facilitate the construction, operation and maintenance of the project in accordance with Federal Highway Administration 23 Code of Federal Regulations 1.23(a), which states “Interest

to be acquired. The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project.” These rights ensure that the facility that is developed with Federal Transportation funds has a legal right to exist and cannot be displaced by a competing land use, and a return on the investment will be realized.

Property that is currently owned by the City of Grand Island that was initially purchased for a purpose other than for pedestrian, drainage and utility facilities cannot be readily used for this project, without execution of the Declaration of Use document. The purpose or use consistent with the requirements of the project need to be established and of record by execution of a “Declaration as to Use” resolution. The duration the declaration is to be in effect is a minimum of 25 years from completion of construction.

Once approved, a copy of the “Declaration as to Use” resolution must be placed on file at the Register of Deeds office.

Approval of Environmental Documents was received on April 22, 2013. Completion of design and approval for utility relocation is scheduled to occur this fall. Relocation of utilities is planned to occur in 2014. Roadway construction is planned to occur in 2015.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

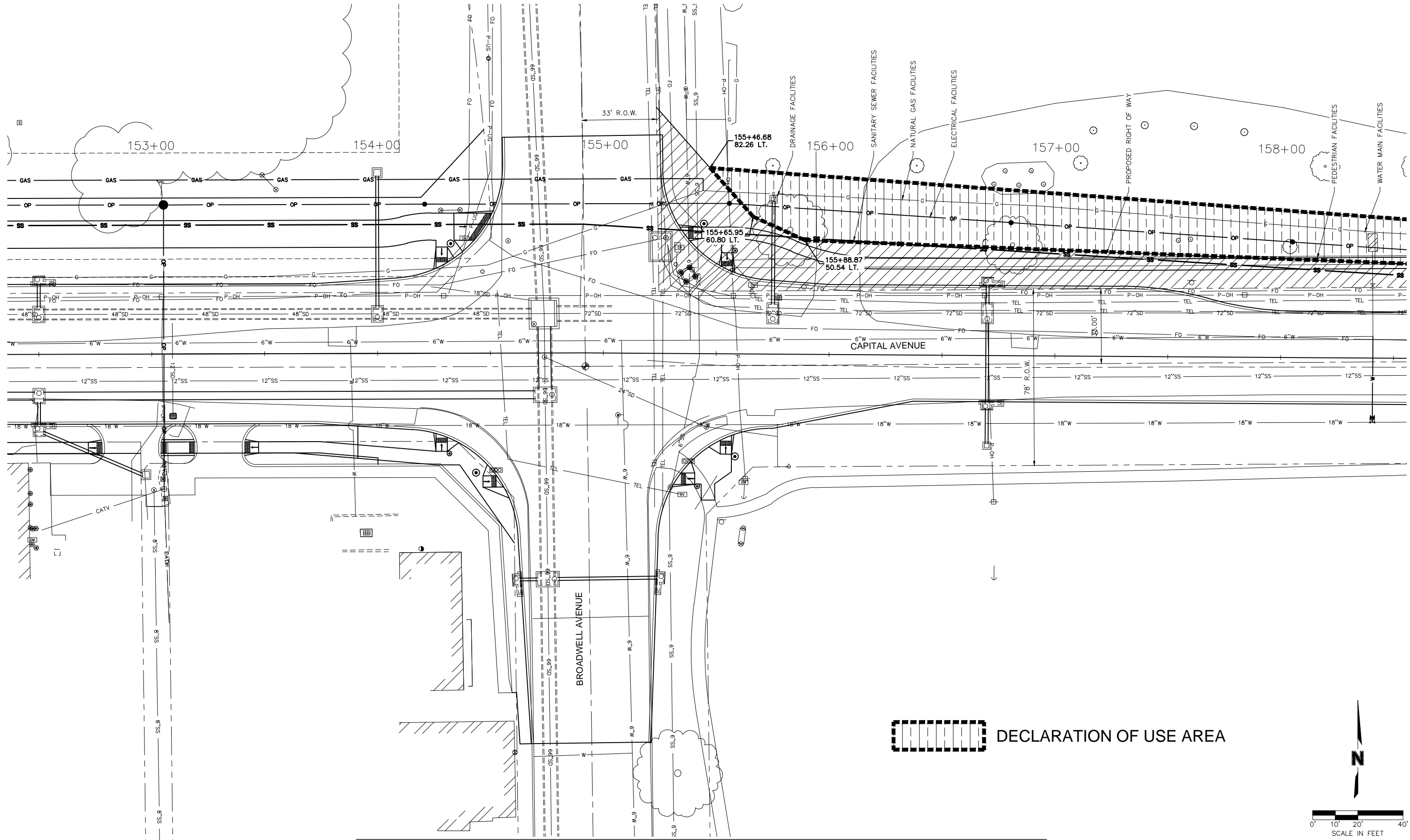
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

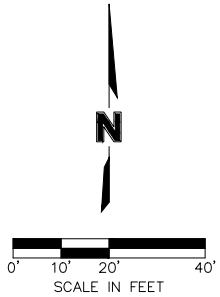
City Administration recommends that the Council approve the use of a portion of land owned by the City of Grand Island for facilities to be constructed on the Capital Avenue - Webb Road to Broadwell Avenue Project.

Sample Motion

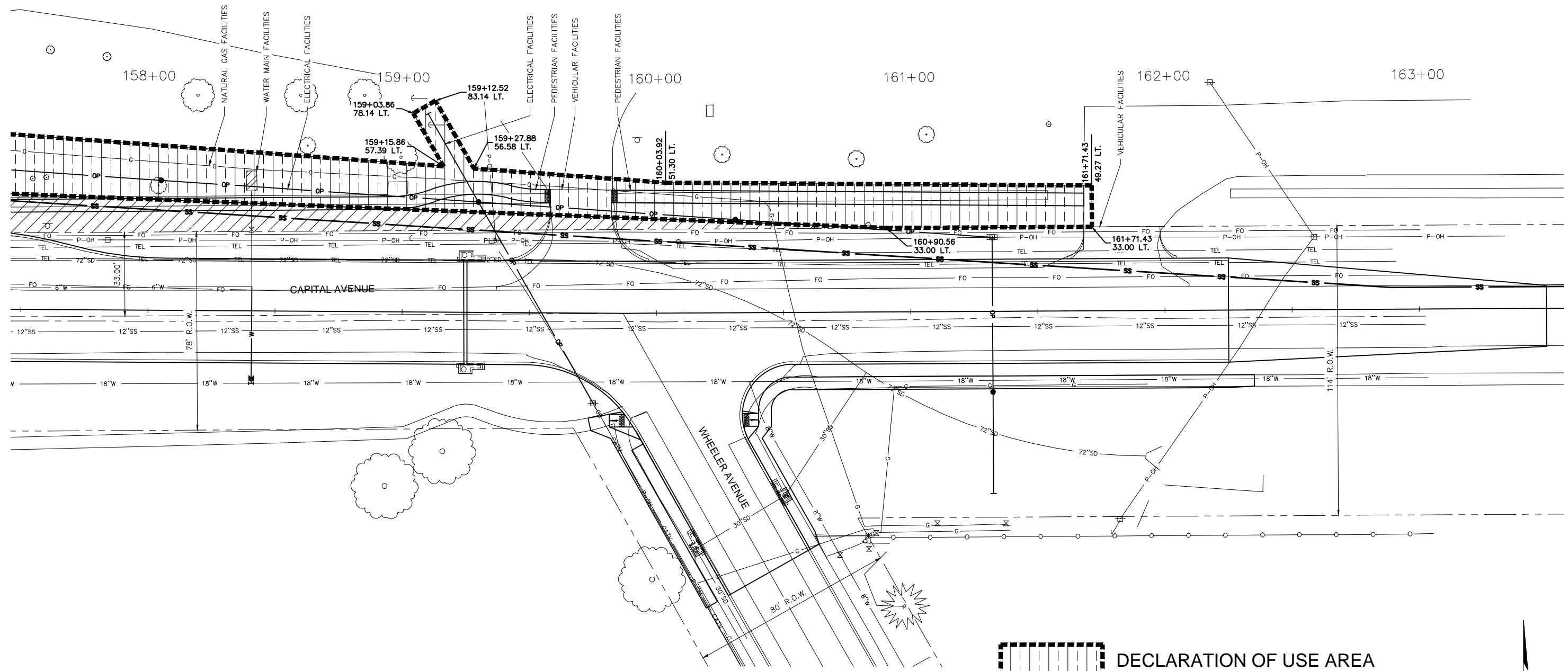
Move to approve the agreement.



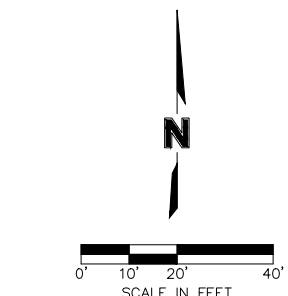
 DECLARATION OF USE AREA



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DECLARATION OF USE AREA



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 DATE: Jul 12, 2013 10:01am
 USER: zloomis
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GRAND ISLAND, NEBRASKA

RESOLUTION NO. 2013-239

DECLARATION AS TO USE

WHEREAS; the City of Grand Island is the owner of a portion of the Southwest Quarter of Section 4, Township 11 North, Range 9 West of the Sixth Principal Meridian, Hall County, Nebraska, and

WHEREAS; said portion of the Southwest Quarter of Section 4, Township 11 North, Range 9 West of the Sixth Principal Meridian, Hall County, Nebraska, is now being occupied by the pedestrian facilities, drainage facilities, and utility facilities, and

WHEREAS; The City of Grand Island hereby wishes to construct, operate, and maintain pedestrian facilities, drainage facilities, and utility facilities across a portion of said property, and

WHEREAS; The pedestrian facilities, drainage facilities, and utility facilities are to be constructed as part of Nebraska Department of Roads project URB-5436(5), Control Number 42707, and identified as Capital Avenue Paving Improvements, and

WHEREAS; To comply with Federal Highway Administration 23 CFR 1.23(a) – “Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project”; It is necessary for the City of Grand Island to declare that a portion of said property shall be used for the construction, operation, and maintenance of pedestrian facilities, drainage facilities, and utility facilities for a period of no less than twenty five years from the completion of its construction, and

NOW THEREFORE, BE IT RESOLVED; that the Mayor and City Council of the City of Grand Island, Nebraska, hereby approves the use of a portion of said land owned by the City of Grand Island for the construction, operation, and maintenance of pedestrian facilities, drainage facilities, and utility facilities as shown on attached Exhibit “A”, and as aligned in project plans and specifications for Nebraska Department of Roads project URB-5436(5), Control Number 42707, and identified as Capital Avenue Paving Improvements, for a period of no less than twenty five years from the completion of its construction.

Passed and approved this 23 day of July, 2013.

Approved as to Form	<input type="checkbox"/> _____
July 22, 2013	<input type="checkbox"/> City Attorney

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk