



City of Grand Island

Tuesday, July 23, 2013

Council Session

Item E-3

**Public Hearing on Acquisition of Public Right-of-Way for the
North Interceptor Phase II, Part B; Sanitary Sewer Project No.
2013-S-4 (Hall County)**

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

Council Agenda Memo

From: Terry Brown PE, Manager of Engineering Services

Meeting: July 23, 2013

Subject: Public Hearing on Acquisition of Public Right-of-Way for the North Interceptor Phase II, Part B; Sanitary Sewer Project No. 2013-S-4 (Hall County)

Item #'s: E-3, G-10

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

Background

Public Works Staff in conjunction with the design engineer, Black & Veatch of Kansas City, Missouri have jointly developed multi-year replacement planning stages for the City of Grand Island's large diameter gravity sanitary sewer interceptor network. The current planned interceptor, entitled the "North Interceptor" will replace aged gravity sanitary sewer, reduce or eliminate current sewer pumping station(s), and provide additional capacity for existing and new growth areas of Grand Island.

The new North Interceptor route was developed to incorporate, and partner with other utilities for the Capital Avenue Widening Project, and the new Headworks Pumping Station Project at the Wastewater Treatment Plant.

A phased approach of constructing the North Interceptor was developed as follows:

- Phase I - Wastewater Treatment Plant (WWTP) to 7th Street / Skypark Road
- Phase II (Part A) - 7th Street / Skypark Road to Broadwell Avenue
- Phase II (Part B) - Broadwell Avenue to Webb Road
- Phase II (Part C) - Webb Road to Diers Avenue (Lift Station No. 19)

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council. Public right-of-way is needed to accommodate the North Interceptor Phase II, Part B project, which is on Capital Avenue from Webb Road to Broadwell Avenue.

Discussion

To allow for the accommodation of public utilities and a widened roadway along Capital Avenue from Webb Road to Broadwell Avenue it is requested that forty-two (42) feet of public right-of-way be acquired by the City of Grand Island on the east side of Broadwell Avenue, north side of Capital Avenue.

An appraisal and review appraisal were completed for this tract with an appraised value of \$32,000.00.

All documents have been signed and returned by the property owner. Authorization of the document and payment to the property owner of \$32,000.00 is contingent upon City Council approval.

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 approve acquisition of the public right-of-way, in the amount of \$32,000.00.

Sample Motion

Move to approve the acquisition of the public right-of-way.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

PUBLIC RIGHT-OF-WAY

THE COUNTY OF HALL, NEBRASKA, a political subdivision of the State of Nebraska, herein called the Grantor, in consideration of THIRTY-TWO THOUSAND DOLLARS (\$32,000) 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 roadway, pedestrian facilities, and utilities, including but not limited to, sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, communication facilities, natural gas facilities, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through a tract of land consisting of an unplatted tract of land as described in Deed Book 159, Page 133, Hall County Register of Deeds, located in the Southeast Quarter (SE1/4) of Section 5, Township 11 North, Range 9 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 SE1/4; THENCE ON AN ASSUMED BEARING OF S89°50'38"W ALONG THE SOUTH LINE OF SAID SE1/4 A DISTANCE OF 796.00 FEET TO THE SOUTHWEST CORNER OF SAID UNPLATTED TRACT; THENCE N00°49'18"W ALONG THE WEST LINE OF SAID UNPLATTED TRACT A DISTANCE OF 33.00 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N00°49'18"W ALONG SAID WEST LINE A DISTANCE OF 42.00 FEET; THENCE N89°50'38"E A DISTANCE OF 724.16 FEET; THENCE N42°48'34"E A DISTANCE OF 41.03 FEET TO A POINT ON THE WEST R.O.W. LINE OF BROADWELL

- 1 -

AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 02°44'27", A ARC LENGTH OF 47.92 FEET, A RADIUS OF 1001.74 FEET AND A CHORD BEARING S04°03'24"E FOR A DISTANCE OF 47.91 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE S44°50'38"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 34.26 FEET; THENCE S89°50'38"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 730.67 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 31,872 SQUARE FEET OR 0.73 ACRES MORE OR LESS.

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.

REMARKS

Grantor may construct, maintain, repair, and utilize for sprinkler improvements which will infringe upon the Permanent Easement. If Grantee, in its sole discretion, determines that any part or all of the improvement must be removed or is damaged by Grantee, and/or Grantee Parties, during the course of the employment or duties with Grantee, Grantee agrees to assume and pay all costs relating to the replacement or repair of the improvement.

Any damages to sprinklers as a result of the proposed utility and roadway improvements in this area will be reconstructed by the City of Grand Island or United Veterans Club will be compensated for these repairs.

The brick memorials for the veterans memorial impacted by construction will be reconstructed in place or relocated along the proposed bike trail as approved by Hall County and United Veterans Club.

Tree plantings to replace the trees removed associated with proposed utility improvements with the will be completed by Hall County. No additional compensation than described above.

DATED: _____, 2013

THE COUNTY OF HALL, NEBRASKA

BY _____

Pamela Lancaster, Chairman
Hall County Board of Supervisors

ATTEST:

Marla Conley
Hall County Clerk

[illegible]

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Pamela Lancaster and Marla Conley, to me known to be the Chairman of the Hall County Board of Supervisors and the Hall County Clerk, respectively, each signing the foregoing Public Right-of-Way and acknowledging the execution thereof to be their voluntary act and deed on behalf of the County of Hall, Nebraska.

WITNESS my hand and Notarial Seal the date above written.

Notary Public

SURVEY RECORD

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

N00°48'52"W 2643.69'(M), 2643.73'(R)

BROADWELL AVENUE

E1/4 COR.
SEC. 5, T11N, R9W

SE COR.
SEC. 5, T11N, R9W
S89°50'38"W
40.30'(M&R)

S00°48'52"W
26.40'(M&R)

S89°50'38"W
25.00'(M&R)

LOT 1, BLK. 1
COLLEGE ADD.
TO WEST LAWN

LOT 2, BLK. 1
COLLEGE ADD.
TO WEST LAWN

HUSTON AVE.

LOT 1, BLK. 2
COLLEGE ADD.
TO WEST LAWN

LOT 2, BLK. 2
COLLEGE ADD.
TO WEST LAWN

GRAND ISLAND AVE.

CURVE TABLE					
#	DELTA	ARC LENGTH	RADIUS	BEARING	CHORD
C1	02°44'27"	47.92'	1001.74'	S04°03'24"E	47.91'
C2	01°23'10"	24.24'(M), 25'±(R)	1001.74'	S01°59'36"E	24.24'
C3	00°22'40"	6.60'(M&R)	1001.74'(M&R)	S01°06'41"E	6.60'(M&R)
C4	73°42'00"	1288.55'(M), 1288.56'(R)	1001.74'(M&R)	S38°09'01"E	1201.53'

SECTION CORNER TIES

SE COR. SEC. 5, T11N, R9W

FOUND ALUMINUM CAP

58.84' NE TO CHISELED 'X' IN SIGNAL POLE BASE

60.70 SE TO CHISELED 'X' IN SIGNAL POLE BASE

58.84' SW TO CHISELED 'X' IN SIGNAL POLE BASE

60.45' NW TO CHISELED 'X' IN SIGNAL POLE BASE

S1/4 COR. SEC. 5, T11N, R9W

FOUND SURVEY SPIKE W/WASHER (LS636)

61.51' NW TO RED HEAD IN POWER POLE

88.00' NE TO RED HEAD IN POWER POLE

60.05' SW TO RED HEAD IN 24" TREE

E1/4 COR. SEC. 5, T11N, R9W

FOUND SURVEY SPIKE

167.70' NNE TO RED HEAD IN POWER POLE

48.85' E TO RED HEAD IN TOP OF WOOD POST

40.76' ESE TO RED HEAD IN POWER POLE

157.04' TO CENTER NUT, TOP OF FIRE HYDRANT

LEGEND

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



0' 50' 100'
SCALE IN FEET

EXISTING 8' NATURAL
GAS EASEMENT

EXISTING 7'
COMMUNICATIONS EASEMENT

N00°49'18"W 954.29'(M&R)

N00°49'18"W 42.00'

P.O.B.

N00°49'18"W
33.00'(M&R)

S1/4 COR.
SEC. 5, T11N, R9W

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF A UNPLATTED TRACT OF LAND DESCRIBED AND RECORDED IN DEED BOOK 159, PAGE 133, HALL COUNTY REGISTER OF DEEDS, LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 11 NORTH, RANGE 9 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 SE1/4; THENCE ON AN ASSUMED BEARING OF S89°50'38"W ALONG THE SOUTH LINE OF SAID SE1/4 A DISTANCE OF 796.00 FEET TO THE SOUTHWEST CORNER OF SAID UNPLATTED TRACT; THENCE N00°49'18"W ALONG THE WEST LINE OF SAID UNPLATTED TRACT A DISTANCE OF 33.00 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N00°49'18"W ALONG SAID WEST LINE A DISTANCE OF 42.00 FEET; THENCE N89°50'38"E A DISTANCE OF 724.16 FEET; THENCE N42°48'34"E A DISTANCE OF 41.03 FEET TO A POINT ON THE WEST R.O.W. LINE OF BROADWELL AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 02°44'27", A ARC LENGTH OF 47.92 FEET, A RADIUS OF 1001.74 FEET AND A CHORD BEARING S04°03'24"E FOR A DISTANCE OF 47.91 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE S44°50'38"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 34.26 FEET; THENCE S89°50'38"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 730.67 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 31,872 SQUARE FEET OR 0.73 ACRES MORE OR LESS.

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

DATE

MOLSSON
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