



# **City of Grand Island**

**Tuesday, July 23, 2013**

**Council Session**

## **Item E-4**

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

**Item #'s:** E-4, G-11

**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 7<sup>th</sup> Street / Skypark Road
- Phase II (Part A) - 7<sup>th</sup> 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. A public utility easement is needed in the North Interceptor Phase II, Part B project, which is on Capital Avenue from Webb Road to Broadwell Avenue to accommodate public utilities. The easement will allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement.

## **Discussion**

To allow for the accommodation of public utilities and pedestrian facilities it is requested that a twenty (20) foot utility easement be acquired by the City of Grand Island on the north side of Capital Avenue, east of Broadwell Avenue. This new easement will allow for the installation of public utilities.

An appraisal and review appraisal were completed for this tract with an appraised value of \$5,000.00.

All documents have been signed and returned by the property owner. Authorization of the document and payment to the property owner of \$5,000.00 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 Easement, in the amount of \$5,000.00.

## **Sample Motion**

Move to approve the acquisition of the Easement.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

**PUBLIC PERMANENT EASEMENT**

THE COUNTY OF HALL, NEBRASKA, a political subdivision of the State of Nebraska, herein called the Grantor, in consideration of FIVE THOUSAND DOLLARS (\$5,000.00) 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 easement 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 6<sup>th</sup> 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; THENCE CONTINUING N00°49'18"W ALONG SAID WEST LINE A DISTANCE OF 42.00 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE PROPOSED NORTH 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 20.00 FEET; THENCE N89°50'38"E A DISTANCE OF 714.80 FEET; THENCE N00°09'22"W A DISTANCE OF 204.32 FEET TO A POINT ON THE WEST R.O.W. LINE OF BROADWELL AVENUE; THENCE ALONG SAID WEST R.O.W. LINE

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AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 11°20'13, A ARC LENGTH OF 198.21 FEET, A RADIUS OF 1001.74 FEET AND A CHORD BEARING S11°05'44"E FOR A DISTANCE OF 197.89 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE PROPOSED NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE S42°48'34"W ALONG SAID PROPOSED R.O.W. LINE A DISTANCE OF 41.03 FEET; THENCE S89°50'38"W ALONG SAID PROPOSED R.O.W. LINE A DISTANCE OF 724.16 FEET TO THE POINT OF BEGINNING. SAID PERMANENT UTILITY EASEMENT CONTAINS 19,296 SQUARE FEET OR 0.44 ACRES 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 and public roadway and pedestrian facilities. Any such utilities and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee or Utility Provider 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 easement 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 trees removed associated with proposed utility improvements will be completed by Hall County. No additional compensation than described above.

Any damages to the United Veterans Club parking lot and driveways as a result of utility and roadway improvements in this area shall be reconstructed by the City.

DATED: \_\_\_\_\_, 2013

THE COUNTY OF HALL, NEBRASKA

BY \_\_\_\_\_

Pamela Lancaster, Chairman  
Hall County Board of Supervisors

ATTEST:

Marla Conley  
Hall County Clerk

STATE OF NEBRASKA )  
COUNTY OF HALL ) ss

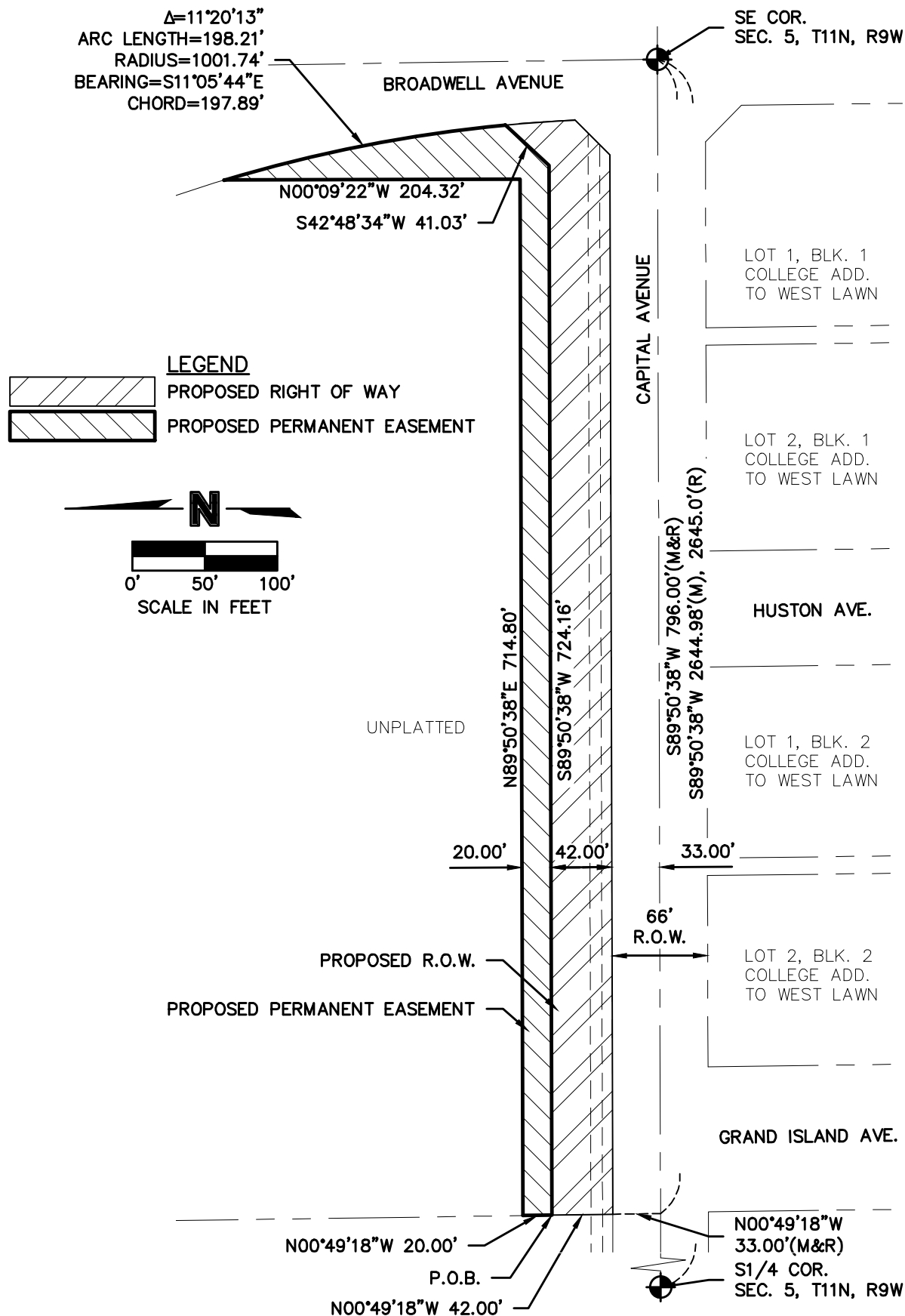
On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Pamela Lancaster and Marla Conley, to me known to be the Chairman of the Hall County Board of Supervisors and the Hall County Clerk, respectively, each signing the foregoing Public Utilities Easement 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

# PERMANENT EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA



## EASEMENT DESCRIPTION

A PERMANENT UTILITY EASEMENT 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; THENCE CONTINUING N00°49'18"W ALONG SAID WEST LINE A DISTANCE OF 42.00 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE PROPOSED NORTH 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 20.00 FEET; THENCE N89°50'38"E A DISTANCE OF 714.80 FEET; THENCE N00°09'22"W A DISTANCE OF 204.32 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 11°20'13", A ARC LENGTH OF 198.21 FEET, A RADIUS OF 1001.74 FEET AND A CHORD BEARING S11°05'44"E FOR A DISTANCE OF 197.89 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE PROPOSED NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE S42°48'34"W ALONG SAID PROPOSED R.O.W. LINE A DISTANCE OF 41.03 FEET; THENCE S89°50'38"W ALONG SAID PROPOSED R.O.W. LINE A DISTANCE OF 724.16 FEET TO THE POINT OF BEGINNING. SAID PERMANENT UTILITY EASEMENT CONTAINS 19,296 SQUARE FEET OR 0.44 ACRES MORE OR LESS.

**MOLSSON**  
ASSOCIATES

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