



City of Grand Island

Tuesday, August 13, 2013

Council Session

Item G-12

**#2013-260 - Approving Temporary Construction Easement for
Sanitary Sewer District No. 528 – Wildwood Subdivision (Lawney
L. Rathman and Mitchell H. Stauffer)**

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

Council Agenda Memo

From: Terry Brown PE, Manager of Engineering Services

Meeting: August 13, 2013

Subject: Approving Temporary Construction Easement for
Sanitary Sewer District No. 528 – Wildwood Subdivision
(Lawney L. Rathman and Mitchell H. Stauffer)

Item #'s: G-12

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

Background

Sanitary Sewer District No. 281; Wildwood Subdivision was continued by City Council through Resolution No. 2011-277 at the September 27, 2011 meeting.

Temporary Construction easements are needed to accommodate the extension of sanitary sewer to the Wildwood Subdivision, which must be approved by City Council. The temporary construction easements will allow for the installation of sanitary sewer to this area.

A sketch is attached to show the temporary construction easement areas.

Discussion

A temporary construction easement is needed from two (2) property owners for Sanitary Sewer District No. 528; Wildwood Subdivision to be constructed.

Value of each tract was derived by a Report of Appraisers and approved by Hall County Court.

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
Lawney L. Rathman	A portion of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6 th p.m. in the City of Grand Island, Hall County, Nebraska; the Eighty (80.0) foot wide area for temporary construction occupancy being more particularly described as follows:	\$719.00

	<p>Commencing at the Northeast Corner of said Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12), running thence West and distance of Two Hundred Seventeen (217) feet upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12) and the True Point of Beginning; running thence South a distance of One Hundred Forty (140.0) feet upon and along the Westerly right-of-way line of State of Nebraska Highway 281/34 to a point; running thence Westerly and parallel with the Northerly line of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12) and a distance of Eighty (80.0) feet to a point; running thence Northerly and parallel with the Westerly right-of-way line of State of Nebraska Highway 281/34 and a distance of One Hundred Forty (140.0) feet to a point; running thence Easterly upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12) and a distance of Eighty (80.0) feet to the point of beginning, all of said land being in Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th p.m. in the City of Grand Island, Hall County, Nebraska.</p> <p>The above described easement and right-of-way containing a total of 0.257 acres, more or less.</p>	
Mitchell H. Stauffer	<p>A portion of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) and part of the East Half of the Southeast Quarter (E ½, SE ¼) of Section 1, Township 10 North, Range 10 West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska; the Eight (80.0) foot wide area for temporary construction occupancy being more particularly described as:</p> <p>Beginning at a point on the north right-of-way line of Wildwood Drive, said point being 40.0 feet west of the west line of US Highway 281 & US Highway 34, thence continuing westerly on the north line of Wildwood Drive for a distance of 80.0 feet, thence northerly on a line 120.0 feet west of and parallel to the west line of US Highway 281 & US Highway 34 to the north line of the Southeast Quarter of Southeast Quarter Section One (1), Township Ten (10) North, Range Ten (10), thence easterly on the north line of SE ¼, SE ¼ Section One (1), Township Ten (10) North, Range (10) to the west line of US Highway 281 & US Highway 34, thence southerly on the west line of US Highway 281 & US Highway 34 for a distance of 71.4 feet +/-, thence westerly on a line perpendicular to the west line of US Highway 281 & US Highway 34 for a distance of 40.0 feet, thence southerly on a line 40.0 feet west of and parallel to the west line of US Highway 281 & US Highway 34 to the point of beginning.</p>	\$4,491.00

	The above described easement and right-of-way containing a total of 2.24 acres, more or less.	
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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 Temporary Construction Easements between the City of Grand Island and the affected property owners for Sanitary Sewer District No. 528; Wildwood Subdivision, in the amount of \$5,210.00.

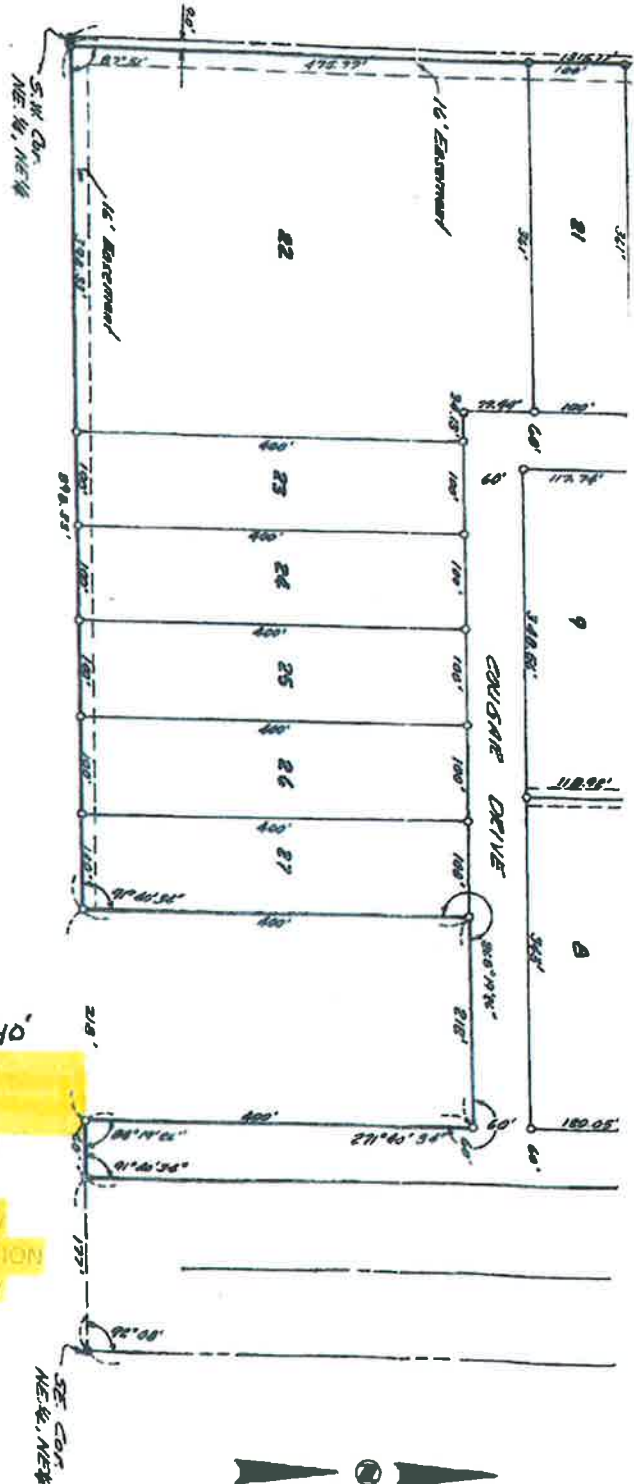
Sample Motion

Move to approve the temporary construction easements.

WILDWOOD SUBDIVISION HALL COUNTY, NEBRASKA

EXHIBIT "A"

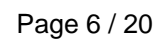
Casey Ann Krohn



State of Nebraska)
County of Hall) ss
I, _____, Clerk of said County, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of said County.
Witness my hand and the seal of said County at _____, Nebraska, this _____ day of _____, 19____.

Clerk of said County

TEMPORARY
CONSTRUCTION
OCCUPANCY





TY COURT OF HALL COUNTY, NEBRASKA

FILED

JUL 10 2013

CLERK MAGISTRATE
HALL CO COURT

Case No. CI13-2289

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

vs.

LAWNEY L. RATHMAN,
Trustee of the Lawney L. Rathman Revocable
Living Trust,

Condemnee.

REPORT OF APPRAISERS

NOW on this 12TH day of July, 2013, the undersigned, being the duly appointed, qualified and acting appraisers in the above-entitled matter, do hereby make and file this report, showing unto the Court:

1. The undersigned were duly appointed appraisers in the above-entitled matter by an Order Appointing Appraisers, dated May 17, 2013.
2. Before entering upon the duties as appraisers in the above-entitled matter, the undersigned duly took and subscribed an oath to support the Constitutions of the United States and the State of Nebraska, and to faithfully and impartially discharge their duties as required by law.
3. The undersigned appraisers carefully inspected and viewed the real estate hereinafter specified sought to be taken and also any other property of the Condemnee damaged thereby and heard all parties interested therein to the amount of damages while so inspecting and viewing the property. Those appearing were: Patrick McGuire, Robin Hendricksen, and Rock

Stahla, appraisers.

4. Said appraisers did meet on July 12, 2013, at 1:30 o'clock, p.m., to assess the damages that the Condemnee sustained by the taking of the hereinafter specified property by the Condemner, at which time said appraisers did receive evidence relative to the amount of damages that will be sustained by the owner of said real estate. Those appearing were: Patrick McGuire, Robin Hendricksen, and Rock Stahla, appraisers.

5. The undersigned appraisers find that the amount of damages sustained by the Condemnee, as owner of the below described real estate, by reason of the taking thereof by the Condemner for public utilities for a permanent easement, to be in the amount of \$1,602.00 (One Thousand Six Hundred Two Dollars and no/100) said real estate described as follows:

A permanent easement located on a portion of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th PM in the City of Grand Island, Hall County, Nebraska and more particularly described as:

Commencing at the Northeast Corner of said Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12), running thence West and distance of One Hundred Seventy Seven (177) feet upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12) and the True Point of Beginning; running thence South a distance of One Hundred Forty (140.00) feet upon and along the Westerly Right-Of-Way line of State Of Nebraska Highway 281/34 to a point; running thence Westerly and parallel with the Northerly line of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12) and a distance of Forty (40.0) feet to a point; running thence Northerly and parallel with the Westerly Right-Of-Way line of State Of Nebraska Highway 281/34 and a distance of One Hundred Forty (140.0) feet to a point; running thence Easterly upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12) and a distance of Forty (40.0) feet to the point of beginning, all of said land being in Section Twelve (12), Township Ten (10) North Range Ten (10) West of the 6th PM in the City of Grand Island, Hall County, Nebraska.

The above-described easement and right-of-way containing a total of 0.128 acres, more or less.

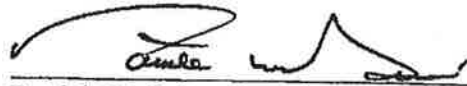
6. The undersigned appraisers find that the amount of damages sustained by the Condemnee, as owner of the below described real estate, by reason of the taking thereof by the Condemner for public utilities for a temporary construction easement, to be in the amount of \$719.00 (Seven Hundred Nineteen Dollars and no/100) said real estate described as follows:

A temporary construction easement on real property owned by the Condemnee consisting of a portion of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th PM in the City of Grand Island, Hall County, Nebraska ; the Eighty (80.0) foot wide area for temporary construction occupancy being more particularly described as:

Commencing at the Northeast Corner of said Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12), running thence West and distance of Two Hundred Seventeen (217) feet upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12) and the True Point of Beginning; running thence South a distance of One Hundred Forty (140.00) feet upon and along the Westerly Right-Of-Way line of State Of Nebraska Highway 281/34 to a point; running thence Westerly and parallel with the Northerly line of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12) and a distance of Eighty (80.0) feet to a point; running thence Northerly and parallel with the Westerly Right-Of-Way line of State Of Nebraska Highway 281/34 and a distance of One Hundred Forty (140.0) feet to a point; running thence Easterly upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) of said section Twelve (12) and a distance of Eighty (80.0) feet to the point of beginning, all of said land being in Section Twelve (12), Township Ten (10) North Range Ten (10) West of the 6th PM in the City of Grand Island, Hall County, Nebraska.

The above-described easement and right-of-way containing a total of 0.257 acres, more or less.

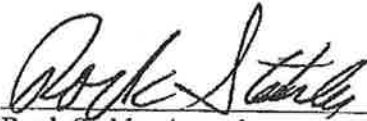
NOW, THEREFORE, the undersigned appraisers do hereby find and assess the damages that will be suffered by the Condemnee by reason of the taking of the real estate for a permanent and temporary construction easement for public utilities to be a total of: \$2,321.00 (Two Thousand Three Hundred Twenty-One Dollars and no/100).



Patrick McGuire, Appraiser



Robin Hendricksen, Appraiser



Rock Stahla, Appraiser



UNTY COURT OF HALL COUNTY, NEBRASKA

FILED

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

vs.

LAWNEY L. RATHMAN,
Trustee of the Lawney L. Rathman Revocable
Living Trust,

Condemnee.

JUL 16 2013

Case No. CITIZENSHIP
REVIVAL ACT
MAGISTRATE
HALL CO COURT

ORDER ACCEPTING
REPORT OF APPRAISERS

The Court hereby accepts the Report of Appraisers and orders the Condemner to pay to the Condemnee the amount of \$2,321.00 (Two Thousand Three Hundred Twenty-One Dollars and no/100).

The total amount of the award in the Report of Appraisers is hereby taxed as a part of the costs in the above matter and the Condemner is ordered to pay the same into the Court.

Dated 7-16, 2013.

BY THE COURT:

County Judge





COUNTY COURT OF HALL COUNTY, NEBRASKA

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

Vs.

LAWNEY L RATHMAN,
Trustee of Lawney L. Rathman Revocable
Living Trust
Condemnee.

CASE NO. C13-2289

CERTIFICATE OF SERVICE

FILED

JUL 16 2013

REYNOLDS J. JENSEN
CLERK MAGISTRATE
HALL COUNTY

I hereby certify that on the 16th day of July, 2013, I sent by United States Mail, postage

Prepaid, copies of the Report of Appraisers and Order Accepting Report of Appraisers to all parties

Of record at their law known address:

Stacy Nonhof
Assistant City Attorney
100 East First Street, P.O. Box 1968
Grand Island Ne 68802

Lawney L. Rathman
Trustee of L. Rathman Revocable Living Trust
4178 Springview Drive
Grand Island NE 68803

Sonya K Koperski
Attorney for Mitchell H Stauffer
104 N Wheeler Street
P.O. Box 790
Grand Island NE 68802

Pat V. V. V.



NTY COURT OF HALL COUNTY, NEBRASKA

FILED

JUL 10 2013

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

vs.

MITCHELL H. STAUFFER,
Trustee,

Condemnee.

Case No. CI13-2288
REVIEWED BY CLERK MAGISTRATE
HALL COUNTY

REPORT OF APPRAISERS

NOW on this 12TH day of July, 2013, the undersigned, being the duly appointed, qualified and acting appraisers in the above-entitled matter, do hereby make and file this report, showing unto the Court:

1. The undersigned were duly appointed appraisers in the above-entitled matter by an Order Appointing Appraisers, dated May 17, 2013.
2. Before entering upon the duties as appraisers in the above-entitled matter, the undersigned duly took and subscribed an oath to support the Constitutions of the United States and the State of Nebraska, and to faithfully and impartially discharge their duties as required by law.
3. The undersigned appraisers carefully inspected and viewed the real estate hereinafter specified sought to be taken and also any other property of the Condemnee damaged thereby and heard all parties interested therein to the amount of damages while so inspecting and viewing the property. Those appearing were: Patrick McGuire, Robin Hendricksen, and Rock Stahla, appraisers.

4. Said appraisers did meet on July 12, 2013, at 1:30 o'clock, p.m., to assess the damages that the Condemnee sustained by the taking of the hereinafter specified property by the Condemner, at which time said appraisers did receive evidence relative to the amount of damages that will be sustained by the owner of said real estate. Those appearing were: Patrick McGuire, Robin Hendricksen, and Rock Stahla, appraisers.

5. The undersigned appraisers find that the amount of damages sustained by the Condemnee, as owner of the below described real estate, by reason of the taking thereof by the Condemner for public utilities for a permanent easement, to be in the amount of \$15,847.00(Fifteen Thousand Eight Hundred Forty-Seven Dollars and no/100) said real estate described as follows:

A permanent easement on real property owned by the Condemnee consisting of a portion of the Southeast Quarter of the Northeast Quarter (SE1/4,NE1/4) and Part of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section 1, Township 10 North, Range 10 West of the 6th PM in the City of Grand Island, Hall County, Nebraska and more particularly described as:

Beginning at a point where the West Right-of-Way line of U.S. Highway 281 and U.S. Highway 34 intersects the North Line of Wildwood Drive, thence Northerly on the West Line of U.S. Highway 281 and U.S. Highway 34 for a distance of 1,215.64 feet, thence Westerly on a line perpendicular to the West line of U.S. Highway 281 and U.S. Highway 34 for a distance of 40.0 feet, thence Southerly on a line 40.0 feet West of and parallel to the West line of U.S. Highway 281 and U.S. Highway 34 to a point on the North line of Wildwood Drive thence Easterly on the North line of Wildwood Drive for a distance of 40.0 feet to the point of beginning.

The above-described easement and right-of-way containing a total of 1.12 acres, more or less.

6. The undersigned appraisers find that the amount of damages sustained by the Condemnee, as owner of the below described real estate, by reason of the taking thereof by the Condemner for public utilities for a temporary construction easement, to be in the amount of \$4,491.00 (Four Thousand Four Hundred Ninety-One Dollars and no/100) said real estate described

as follows:

A temporary construction easement on real property owned by the Condemnee consisting of a portion of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) and Part of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section 1, Township 10 North, Range 10 West of the 6th PM in the City of Grand Island, Hall County, Nebraska ; the Eighty (80.0) foot wide area for temporary construction occupancy being more particularly described as:

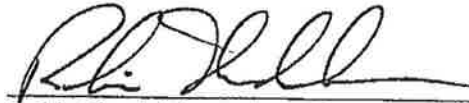
Beginning at a point on the North right-of-way line of Wildwood Drive, said point being 40.0 feet West of the West line of U.S. Highway 281 and U.S. Highway 34, thence continuing Westerly on the North line of Wildwood Drive for a distance of 80.0 feet, thence northerly on a line 120.0 feet West of and parallel to the West line of U.S. Highway 281 and U.S. Highway 34 to the North line of the Southeast Quarter of Southeast Quarter , Section One (1), Township Ten (10) North Range Ten (10), thence Easterly on the North line of SE1/4, SE1/4 Section One (1), Township Ten (10) North Range Ten (10) to the West line of U.S. Highway 281 and U.S. Highway 34, thence Southerly on the West line of U.S. Highway 281 and U.S. Highway 34 for a distance of 71.4 feet +/-, thence Westerly on a line perpendicular to the West line of U.S. Highway 281 and U.S. Highway 34 for a distance of 40.0 feet, thence Southerly on a line 40.0 feet West of and parallel to the West line of U.S. Highway 281 and U.S. Highway 34 to the point of beginning.

The above-described easement and right-of-way containing a total of 2.24 acres, more or less.

NOW, THEREFORE, the undersigned appraisers do hereby find and assess the damages that will be suffered by the Condemnee by reason of the taking of the real estate for a permanent and temporary construction easement for public utilities to be a total of: \$20,338.00 (Twenty Thousand Three Hundred Thirty-Eight Dollars and no/100).



Patrick McGuire, Appraiser



Robin Hendricksen, Appraiser



Rock Stahla, Appraiser



000250476C08

IN THE COUNTY COURT OF HALL COUNTY, NEBRASKA

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

vs.

MITCHELL H. STAUFFER,
Trustee,

Condemnee.

Case No. CI13-2288

ORDER ACCEPTING
REPORT OF APPRAISERS

FILED

JUL 16 2013

HELYN D. JOHNSON
CLERK MAGISTRATE
HALL COUNTY, NEBRASKA

The Court hereby accepts the Report of Appraisers and orders the Condemner to pay to the Condemnee the amount of \$20,338.00 (Twenty Thousand Three Hundred Thirty-Eight Dollars and no/100).

The total amount of the award in the Report of Appraisers is hereby taxed as a part of the costs in the above matter and the Condemner is ordered to pay the same into the Court.

Dated 7-16, 2013.

BY THE COURT.

County Judge





HALL COUNTY COURT OF HALL COUNTY, NEBRASKA

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

Vs.

MITCHELL H STAUFFER,
Trustee,
Condemnee.

CASE NO. CI13-2288

CERTIFICATE OF SERVICE

FILED

JUL 16 2013

HEYVALDA A. STAUFFER
CLERK MAGISTRATE
HALL CO. COURT

I hereby certify that on the 16th day of July, 2013, I sent by United States Mail, postage
Prepaid, copies of the Report of Appraisers and Order Accepting Report of Appraisers to all parties
Of record at their law known address:

Stacy Nonhof
Assistant City Attorney
100 East First Street, P.O. Box 1968
Grand Island Ne 68802

Mitchell H Stauffer
808 West 24th Street
Kearney NE 68845 4935

Sonya K Koperski
Attorney for Mitchell H Stauffer
104 N Wheeler Street
P.O. Box 790
Grand Island NE 68802

Pat Vebus

RESOLUTION 2013-260

WHEREAS, temporary construction easements are required by the City of Grand Island, from affected property owners in the Sanitary Sewer District No. 528; Wildwood Subdivision project area:

Lawney L. Rathman – .257 Acres @ \$2,797.67/acre = \$719.00

A portion of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th p.m. in the City of Grand Island, Hall County, Nebraska; the Eighty (80.0) foot wide area for temporary construction occupancy being more particularly described as follows:

Commencing at the Northeast Corner of said Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12), running thence West and distance of Two Hundred Seventeen (217) feet upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12) and the True Point of Beginning; running thence South a distance of One Hundred Forty (140.0) feet upon and along the Westerly right-of-way line of State of Nebraska Highway 281/34 to a point; running thence Westerly and parallel with the Northerly line of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12) and a distance of Eighty (80.0) feet to a point; running thence Northerly and parallel with the Westerly right-of-way line of State of Nebraska Highway 281/34 and a distance of One Hundred Forty (140.0) feet to a point; running thence Easterly upon and along the Northerly line of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) of said section Twelve (12) and a distance of Eighty (80.0) feet to the point of beginning, all of said land being in Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th p.m. in the City of Grand Island, Hall County, Nebraska.

The above described easement and right-of-way containing a total of 0.257 acres, more or less.

Mitchell H. Stauffer – 2.24 Acres @ \$2,004.91/acre = \$4,491.00

A portion of the Southeast Quarter of the Northeast Quarter (SE ¼, NE ¼) and part of the East Half of the Southeast Quarter (E ½, SE ¼) of Section 1, Township 10 North, Range 10 West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska; the Eight (80.0) foot wide area for temporary construction occupancy being more particularly described as:

Beginning at a point on the north right-of-way line of Wildwood Drive, said point being 40.0 feet west of the west line of US Highway 281 & US Highway 34, thence continuing westerly on the north line of Wildwood Drive for a distance of 80.0 feet, thence northerly on a line 120.0 feet west of and parallel to the west line of US Highway 281 & US Highway 34 to the north line of the Southeast Quarter of Southeast Quarter Section One (1), Township Ten (10) North, Range Ten (10), thence easterly on the north line of SE ¼, SE ¼ Section One (1), Township Ten (10) North, Range (10) to the west line of US Highway 281 & US Highway 34, thence southerly on the west line of US Highway 281 & US Highway 34 for a distance of 71.4 feet +/-, thence westerly on a line perpendicular to the west line of US Highway 281 & US Highway 34 for a distance of 40.0 feet, thence southerly on a line 40.0 feet west of and parallel to the west line of US Highway 281 & US Highway 34 to the point of beginning.

The above described easement and right-of-way containing a total of 2.24 acres, more or less.

Approved as to Form	□ _____
August 9, 2013	□ City Attorney

WHEREAS, an such Temporary Construction easements have been reviewed and approved by the City Legal Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to compensate the affected property owners for the Temporary Construction easement on the above described tracts of land, in the total amount of \$5,210.00.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 13, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk