



City of Grand Island

Tuesday, September 10, 2013

Council Session

Item I-7

#2013-310 – Consideration of Authorizing the Legal Department to Acquire Certain Real Estate through Eminent Domain

Staff Contact: Robert Sivick

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: September 10, 2013

Subject: Consideration of Authorizing the Legal Department to Acquire Certain Real Estate through Eminent Domain

Item #'s: I-7

Presenter(s): Robert J. Sivick, City Attorney

Background

Over the last few months the Legal and Public Works Departments have attempted to purchase approximately eighty acres of pasture land located north of Eagle Scout Lake along Highway 2. The Public Works Department wishes to convert this parcel into a detention cell to allow the City of Grand Island (City) to better control storm water runoff and drainage affecting Northwest Grand Island. City staff made reasonable offers to the listed owner in excess of the fair market value to no avail.

Discussion

Since the proposed use of the land is for a public purpose, Chapter 76, Article 7 of the Nebraska Revised Statutes permits the City to acquire it through eminent domain. This would be accomplished through a Petition to Condemn Real Property filed in the Hall County Court.

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

The City Administration recommends the Council approve Resolution 2013-310 to authorize the Legal Department to acquire certain real estate for public use through Eminent Domain.

Sample Motion

Move to approve Resolution 2013-310 authorizing the Legal Department to acquire certain real estate for public use through Eminent Domain.



DATE	BY	REVISIONS DESCRIPTION	SURV. BY:
			DATE:
			DR. BY:
			DATE:
			CHK. BY:
			DATE:
			APPR. BY:
			DATE:

MOORE'S CREEK DRAINWAY EXTENSION
 GRAND ISLAND, NEBRASKA

DRAWING NO.:
 Moore's Creek_PBASE.dwg

R E S O L U T I O N 2013-310

WHEREAS, the City of Grand Island has sought to acquire real property consisting of the West ½ of the Southeast ¼ of the Lake Township located in Hall County, Nebraska for a public purpose; and

WHEREAS, City staff has made numerous market based offers for this real property but those offers have been rejected by the listed owner; and

WHEREAS, in light of the owners rejection of the City's offers, the City must exercise its power of Eminent Domain to acquire the real property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Legal Department is hereby authorized to acquire the above described real estate through Eminent Domain by filing a Petition to Condemn Real Property in the Hall County Court.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 10, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
September 6, 2013	☒ City Attorney