



City of Grand Island

Tuesday, September 24, 2013

Council Session

Item F-1

#9444 - Consideration of Annexation of Property Located at the Corner of W. Phoenix Street and Lincoln Avenue (Clark Gauthier) (Third Reading).

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, Regional Planning Director

Meeting: September 24, 2013

Subject: An Ordinance to Annex property located north of Phoenix Avenue and west of Lincoln Avenue into the City of Grand Island, Nebraska along with all adjoining right-of-way and/or easements for road or trail purposes (Third Reading)

Item #'s: F-1

Presenter(s): Chad Nabity, Regional Planning Director

Background

The Annexation Component of the Grand Island Comprehensive Development Plan as adopted by the Grand Island City Council on July 13, 2004 sets as the policy of Grand Island that: County Industrial Tracts should periodically be reviewed as allowed by Revised Nebraska State Statutes for consideration of annexation and that all areas encompassed by the Corporate Limits of Grand Island should be considered for annexation.

Clark Gauthier, owner of property located at 1104 W Phoenix Street has sent a petition to the Hall County Board of Supervisors requesting that this property be removed from the County Industrial Tract per NRSS §13-1119. Hall County held a public hearing and passed a resolution to remove the property from the County Industrial Tract on July 16, 2013. Mr. Gauthier has also requested that the City consider annexation of this property.

On July 17, 2013 the City Clerk received a request from Sheila Hulme acting as an agent for Mr. Gauthier asking that the City consider annexation of this property per NRSS §16-117 (7). The City is able to annex this property as it has been removed from the County Industrial Tract.

Based on the requests from Mr. Gauthier to remove the property from the County Industrial Tract and to annex the property into the City, staff has prepared an ordinance for annexation that would become effective 15 days after passage on third and final reading. Council held a public hearing on August 27th, 2013 and passed the ordinance on

first reading. The ordinance was approved on second reading at the Council Meeting on September 10, 2013. Annexation ordinances must be passed on three separate readings.

Discussion

Staff has prepared an ordinance in accordance with the requirements of Nebraska Revised Statute §16-117 (7). Annexation ordinances must be read on three separate occasions. This is the third and final reading of the ordinance. This ordinance includes exhibits showing the property to be considered for annexation and the legal descriptions of those properties.

There is no impact to the extraterritorial zoning jurisdiction of the City as the County Industrial Tracts are entirely surrounded by the municipal limits of Grand Island.

No existing residences would be added to the City as a result of this annexation.

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 pass the annexation ordinance.

Sample Motion

Move to approve the annexation ordinance on third and final reading.

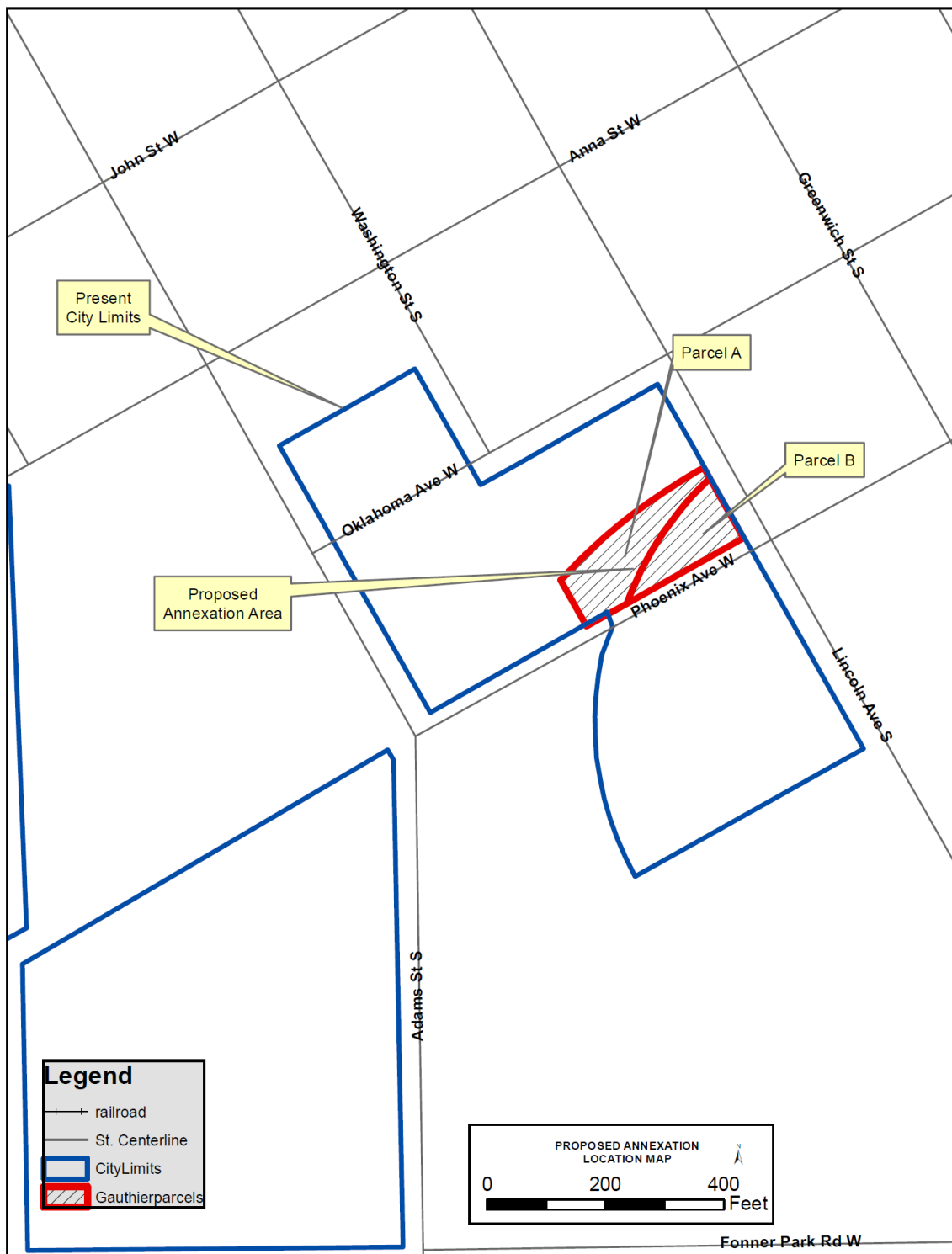
Exhibit A

Legal description as follows:

A tract of land comprising a part of the Northeast Quarter (NE1/4) of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska and also being part of former Block Ten (10), South Park Addition (now vacated) and being more particularly described as follows: Beginning at the Southeast corner of Block Ten (10), thence running Southwesterly along the Southerly line of former Block Ten (10) a distance of 226.83 feet to a point that is 12.5 feet radially distant Southeasterly from the center line of the railroad track; thence running Northeasterly along a line 12.5 feet radially distance Southeasterly from the center line of a railroad tract; said tract being curved, concave with a radius of 573.7 feet, a chord distance of 253.99 feet to a point Southeasterly along the Easterly line of former Block Ten (10), thence running Southeasterly along the Easterly line of former Block Ten (10), a distance of 116.48 feet to the point of beginning in Hall County, Nebraska AND

All that portion of Burlington Northern Railroad Company's (formerly Chicago, Burlington & Quincy Railroad Company) property at City of Grand Island, Nebraska, located on the Belt Line Right of Way, now discontinued, located upon, over and across that part of the West Half of the Northeast Quarter (W1/2NE1/4) of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska formerly Block Ten (10) of South Park Addition to the City of Grand Island, Hall County, Nebraska now vacated and that part of vacated Washington Street in said City of Grand Island, bounded on the Southerly side by the North Line of Phoenix Street in said City of Grand Island, Hall County, Nebraska, as per the recorded plat thereof; bounded on the Westerly side by the West line of said vacated Washington Street, bounded on the Northwestern side by said Belt Line Main Track centerline as formerly located, bounded on the Easterly side by the East line of said vacated Block Ten (10) and bounded on the Southeasterly side by a line 12.5 feet radially distant Southeasterly of the centerline of said Railroad Company's most Southeasterly tract as formerly located, the centerline of which would cross the Easterly line of said Vacated Block Ten (10), a distance 128.94 feet Northwesternly of the Southeasterly corner of said vacated Block Ten (10) and which would cross the Southerly line of said vacated Block Ten (10), a distance of 247.7 feet Southwesterly of said Southeasterly corner and which extends between said Easterly line and said Southerly line along a curved line, concave Southeasterly with a radius of 573.7 feet

EXCEPTING a certain tract more particularly described Quit Claim Deed recorded as Document No. 96-103345



* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9444

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land located north of Phoenix and west of Lincoln Avenue in Hall County, Nebraska as more particularly described hereinafter and as shown on Exhibit “A” attached hereto; to provide service benefits thereto; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, Clark Gauthier as owner of the property submitted a request that the City Annex this property into the City of Grand Island; and

WHEREAS, the Annexation Component of the Comprehensive Development Plan for the City of Grand Island encourages annexation of adjacent properties into the City; and

WHEREAS, Clark Gauthier has caused this property to be removed from the Hall County Industrial Area; and

WHEREAS, Hall County has removed the property from the Hall County Industrial Area, and

Approved as to Form	<input type="checkbox"/>	_____
September 20, 2013	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 9444 (Cont.)

WHEREAS, according to NRSS §16-117 the City of Grand Island can upon petition of the property owner(s) of property contiguous and adjacent to the City Limits annex said property by ordinance; and

WHEREAS, on August 27, 2013, the City Council of the City of Grand Island approved such annexation on first reading and on September 10, 2013 the City Council of the City of Grand Island approved such annexation on the second reading.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. It is hereby found and determined that:

(A) The tracts of land described in Exhibit "A" are urban or suburban in character, and that the subject properties are contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed and that this annexation does not extend the extraterritorial zoning jurisdiction.

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience

ORDINANCE NO. 9444 (Cont.)

and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

SECTION 3. The subject tract of land is hereby annexed into the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect 15 days after its passage and upon publication, in pamphlet form, as provided by law.

ORDINANCE NO. 9444 (Cont.)

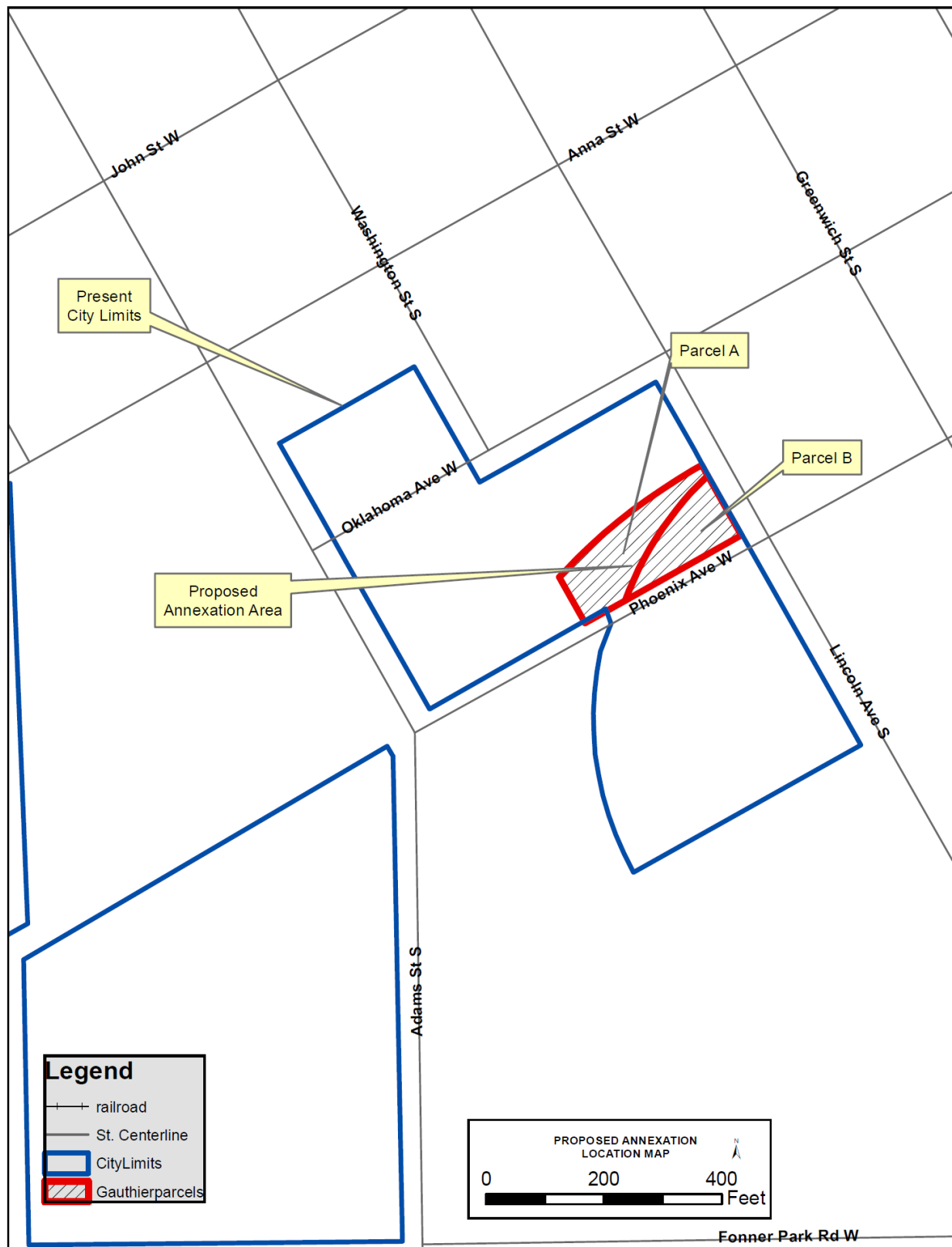
Enacted: September 24, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. 9444 (Cont.)



ORDINANCE NO. 9444 (Cont.)

Exhibit A

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