



City of Grand Island

Tuesday, February 25, 2014

Council Session

Item G-12

#2014-35 - Approving Temporary Construction Easement for Street Improvement District No. 1260; Webb Road (Vlach Properties, LLC)

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: February 25, 2014

Subject: Approving Temporary Construction Easement for Street Improvement District No. 1260; Webb Road (Vlach Properties, LLC)

Item #'s: G-12

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

Background

Street Improvement District No. 1260; Webb Road – South Webb Road extending north from Stolley Park Road to Union Pacific Railroad Tracks was created by City Council on February 12, 2013.

A Temporary Construction easement is needed to accommodate the construction activities for Street Improvement District No. 1260, which must be approved by City Council. The temporary construction easements will allow for the roadway improvements to this area.

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

Discussion

A temporary construction easement is needed from one (1) property owner for Street Improvement District No. 1260; Webb Road to be constructed.

Engineering staff of the Public Works Department negotiated with the property owner for use of such temporary construction easement.

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
Vlach Properties, LLC	Part of the northeast quarter of the southwest quarter of Section Twenty (20), Township Eleven (11) North, Range Nine (9) West of the 6th p.m., City of Grand Island, Hall County, Nebraska, and more particularly described as follows:	\$ 360.00 + \$3,688.00 (severance damages) = \$4,048.00

	<p>Commencing at the southeast corner of Lot 2, Vlach Subdivision; thence on an assumed bearing N01°00'44"W, along the east line of said Lot 2, a distance of 72.23 feet to the southwest corner of a tract of land conveyed as Instrument Number 0200900683, Hall County, Nebraska, and the point of beginning; thence N00°57'57"W, along the west line of said tract of land, a distance of 350.77 feet to the northwest corner of said tract of land; thence N85°42'21"E, along the north line of said tract of land, a distance of 30.05 feet; thence S00°57'57"E a distance of 350.71 feet to the south line of said tract of land; thence S85°36'12"W, along the south line of said tract of land, a distance of 30.05 feet to the point of beginning. Said temporary access easement contains a calculated area of 10,522.16 square feet or 0.24 acres more or less.</p>	
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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 Easement between the City of Grand Island and the affected property owner for Street Improvement District No. 1260; Webb Road, in the amount of \$4,048.00.

Sample Motion

Move to approve the temporary construction easements.

AGREEMENT FOR TEMPORARY CONSTRUCTION OCCUPANCY

Agreement made and entered into by and between the CITY OF GRAND ISLAND, a municipal corporation of the State of Nebraska, herein referred to as "City", and VLACH PROEPRTIES, LLC, a Nebraska Limited Liability Company, herein referred to as "Owner", whether one or more.

Recitals

WHEREAS, the City intends to construct Street Improvement District No. 1260; South Webb Road extending North from Stolley Park Road to Union Pacific Railroad Tracks, on or adjacent to property owned by Owner; and

WHEREAS, it may be necessary for the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives to temporarily enter upon, travel over, excavate, clear, backfill, store materials upon, and otherwise use the lands herein described which are owned by Owner during the aforementioned construction project.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained within this agreement, the parties agree as follows:

Section One Right of Entry

Owner hereby grants to the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives the right to enter upon the following described real estate located in part of the northeast quarter of the southwest quarter of Section Twenty (20), Township Eleven (11) North, Range Nine (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 Lot 2, Vlach Subdivision; thence on an assumed bearing N01°00'44"W, along the east line of said Lot 2, a distance of 72.23 feet to the southwest corner of a tract of land conveyed as Instrument Number 0200900683, Hall County, Nebraska, and the point of beginning; thence N00°57'57"W, along the west line of said tract of land, a distance of 350.77 feet to the northwest corner of said tract of land; thence N85°42'21"E, along the north line of said tract of land, a distance of 30.05 feet; thence S00°57'57"E a distance of 350.71 feet to the south line of said tract of land; thence S85°36'12"W, along the south line of said tract of land, a distance of 30.05 feet to the point of beginning. Said temporary access easement contains a calculated area of 10,522.16 square feet or 0.24 acres more or less.

to do such work as may be necessary or appropriate for the construction of Street Improvement District No. 1260; South Webb Road extending North from Stolley Park Road to Union Pacific Railroad Tracks and related facilities adjacent to such property. Such right of entry shall include, but not be limited to the right to enter upon, travel over, excavate, clear fences, drives, irrigation lines and other improvements, backfill, store materials upon, and otherwise use the above described premises.

Section Two Term of Agreement

The premises may be occupied and used by the City for the purposes related hereto during the period beginning the date construction work starts on Street Improvement District No. 1260; South Webb Road extending North from Stolley Park Road to Union Pacific Railroad Tracks and continuing until the construction work is completed.

Section Three
Valuation of Improvement

The parties hereby agree that the improvements located on the above described premises are limited to the following items having values as shown:

<u>Item</u>	<u>Value</u>
Use of Temporary Construction Area	\$360.00
Severance Damages	\$3,688.00
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Total Compensation	\$4,048.00

Section Five
Compensation

The City hereby agrees to pay to Owner the full value as shown for any item destroyed by the City during the term of this agreement. In the event an item is damaged but not destroyed and the parties are unable to agree as to the amount of such damage, the City shall have the option to either pay Owner the full value of the item or items in dispute as shown or submit the issue of damages on the disputed item or items to a board of appraisers appointed under an action in condemnation. In the event the City shall elect to have the damages determined under an action in condemnation, then the City hereby agrees to pay to Owner the amount as finally determined in such action and appeals. The Owner hereby agrees to accept full payment for damages arising from the use of the aforesaid property by City the amount paid by the City in accordance with this agreement.

Section Six
Remarks

The City shall restore the premises to grade prior to the termination of this agreement.

Section Seven
Assignment

It is understood that the rights of the owner do not automatically transfer upon sale or lease of the property. The City agrees to permit assignment of the rights and obligations of Owner to a subsequent buyer or tenant, provided Owner obtains the City's prior written consent which City shall not unreasonably withhold.

DATED: _____, 2014

DATED: _____, 2014

VLACH PROPERTIES, LLC

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

BY _____
RONALD J. VLACH, OWNER

BY _____
JAY VAVRICEK, MAYOR

RESOLUTION 2013-35

WHEREAS, a temporary construction easement is required by the City of Grand Island, from an affected property owner in Street Improvement District No. 1260; Webb Road project area:

Vlach Properties, LLC – 0.24 Acres @ \$1,500.00/acre = \$360.00

Part of the northeast quarter of the southwest quarter of Section Twenty (20), Township Eleven (11) North, Range Nine (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 Lot 2, Vlach Subdivision; thence on an assumed bearing N01°00'44"W, along the east line of said Lot 2, a distance of 72.23 feet to the southwest corner of a tract of land conveyed as Instrument Number 0200900683, Hall County, Nebraska, and the point of beginning; thence N00°57'57"W, along the west line of said tract of land, a distance of 350.77 feet to the northwest corner of said tract of land; thence N85°42'21"E, along the north line of said tract of land, a distance of 30.05 feet; thence S00°57'57"E a distance of 350.71 feet to the south line of said tract of land; thence S85°36'12"W, along the south line of said tract of land, a distance of 30.05 feet to the point of beginning. Said temporary access easement contains a calculated area of 10,522.16 square feet or 0.24 acres more or less.

Vlach Properties, LLC – Severance Damages = \$3,688.00

Property Condition: Will be restored to the original condition upon completion of work. Property owner will be paid \$1,000 to account for access inconvenience (i.e. fuel & labor) during the approximately three (3) weeks of construction activity in the easements. Property owner will also be compensated \$2,688.00 for relocation of concrete pile (\$28/hour x 3 employees x 8 hours/day x 4 days) currently located in the easement area.

WHEREAS, such Temporary Construction easement has 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 owner for the Temporary Construction easement on the above described tract of land, in the total amount of \$4,048.00.

Adopted by the City Council of the City of Grand Island, Nebraska, February 25, 2014.

Jay Vavricek, Mayor

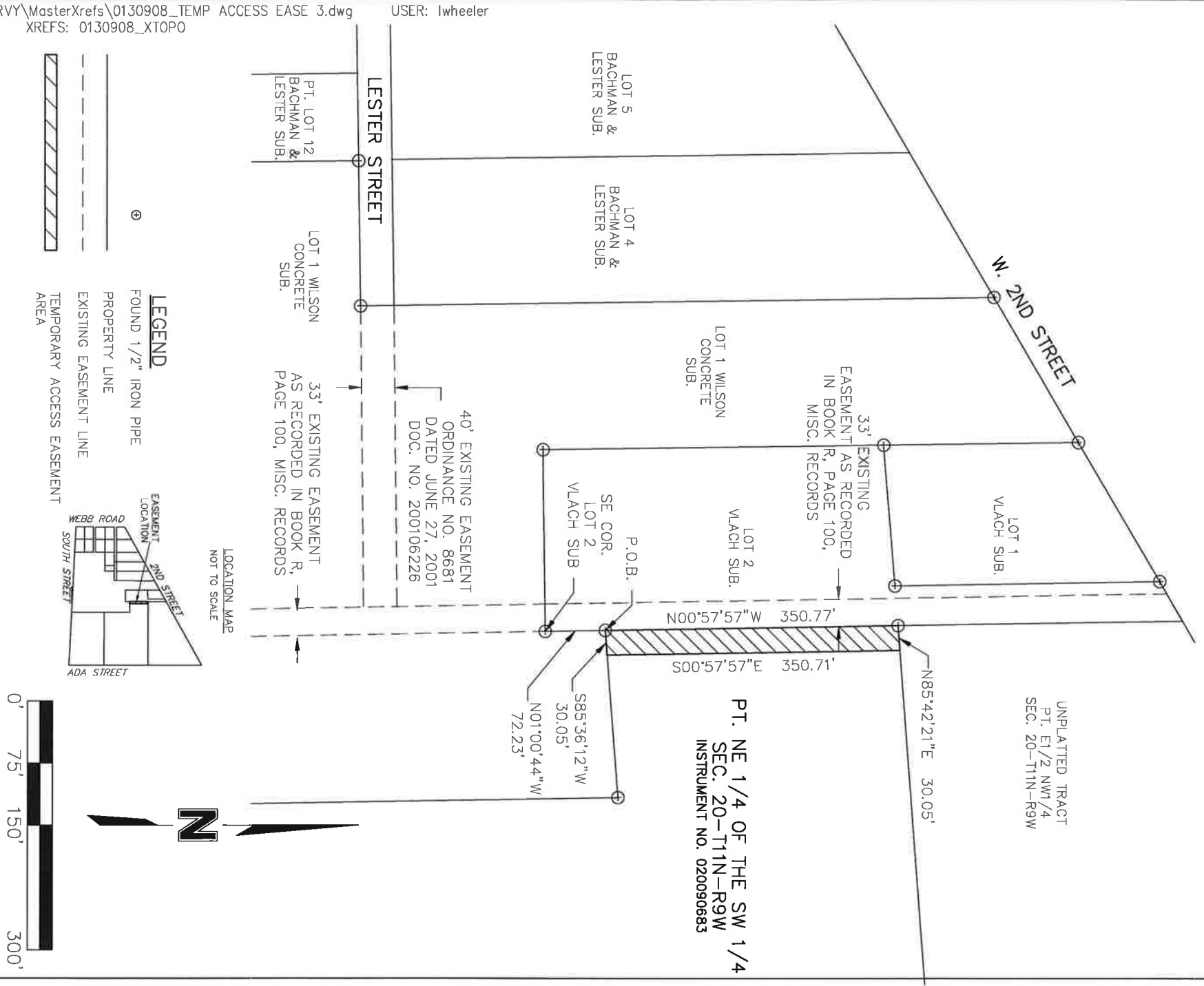
Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 21, 2014	☐ City Attorney

TEMPORARY ACCESS EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA



DWG: F:\projects\013-0908\SRVY\MasterXrefs\0130908_TEMP ACCESS EASE 3.dwg
 DATE: Dec 02, 2013 10:49am
 USER: lwheeler
 XREFS: 0130908_XTOPO

PROJECT NO:	2013-0908	WEBB ROAD	
DRAWN BY:	LJW	EASEMENTS	
DATE:	10/03/2013	WOLSSON ASSOCIATES	201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL 308.394.8750 FAX 308.394.8752
		EXHIBIT	1