



City of Grand Island

Tuesday, March 11, 2014

Council Session

Item E-5

Public Hearing on Acquisition of Property for the North End of Moores Creek Drainway (Stahla)

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: March 11, 2014

Subject: Public Hearing on Acquisition of Property for the North End of Moores Creek Drainway (Stahla)

Item #'s: E-5 & G-9

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

Background

On September 10, 2013 the City's Legal Department requested authorization to acquire approximately 80 acres of pasture land located north of Eagle Scout Lake along Highway 2 through eminent domain. Such request was postponed to the September 24, 2013 council meeting, and once again to the October 8, 2013 council meeting when approval to pursue such action was received through Resolution No. 2013-310.

City staff made reasonable offers to the listed owner, for purchase of such land, in excess of the fair market value to no avail.

On October 1, 2013 City legal staff met with the property owner and his attorney to again attempt to negotiate a purchase price for the property in question. The property owner held fast in his demand for a price per acre far in excess of fair market value. Consequently, his demand was rejected by City legal staff.

Nebraska State Statute Section 19-709, R.R.S. 1943, authorizes the City to appropriate private property for use of the City for public facilities. 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.

Discussion

The Public Works Department wishes to convert this parcel into a detention cell to allow the City of Grand Island to better control storm water runoff and drainage affecting Northwest Grand Island.

A Petition to Condemn Real Property was filed in the Hall County Court for the approximately 80 acres of pasture land. On January 31, 2014 the Report of Appraisers was filed by Hall County Court with a determination that the amount of damages suffered by the Condemnee, Bob Stahla Mobile Home Service, Inc. is \$230,340.00.

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 such land, in the amount of \$230,340.00.

Sample Motion

Move to approve the acquisition of the land from Bob Stahla Mobile Home Service, Inc., of Grand Island, Nebraska.

