



City of Grand Island

Tuesday, April 22, 2014

Council Session

Item G-11

#2014-90 - Approving Temporary Construction Occupancy Agreement - West of Sky Park Road on the South Side of Airport Road - Petersen Farms, Inc.

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Tim Luchsinger, Utilities Director

Meeting: April 22, 2014

Subject: Agreement for Temporary Construction Occupancy –
West of Sky Park Road on the south side of Airport Road
– Petersen Farms, Inc.

Item #'s: G-11

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Petersen Farms, 50 foot wide, south of the permanent easement on west of Sky Park Road on the south side of Airport Road.

Discussion

Water Main District 466T has been designed to construct a 16” water main along the south side of Airport Road. An Agreement for Temporary Construction Occupancy is needed for:

- 1) Temporary construction use and rights to previously described real estate - \$4,520.00
- 2) Relocation of reuse pit, let-down pipe, and well suction piping - \$9,725.00
- 3) Relocation of electrical service to reuse pit pump - \$1,200.00
- 4) Re-leveling, re-grading, and filling any settling after restoration has occurred - \$3,000.00

The property owners have agreed to the Agreement for Temporary Construction Occupancy in the amount of \$18,445.00, the total cost of 1-4 listed above.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Make a motion 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 Agreement for Temporary Construction Occupancy in the amount of Eighteen Thousand Four hundred Forty Five Dollars (\$18,445.00).

Sample Motion

Move to approve the Temporary Construction Occupancy Agreement.

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 PETERSEN FARMS, INC., a Nebraska Corporation, herein referred to as "Owner", whether one or more.

Recitals

WHEREAS, the City intends to construct WATER MAIN DISTRICT 466T, 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 enter upon, travel over, excavate, clear, backfill, store materials upon, and otherwise use the lands herein described which are owned by Owner during the afore mentioned 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:

The southerly fifty (50.0) feet of the northerly one hundred ten (110.0) feet of Lot One (1) Wilson's Subdivision, Hall County, Nebraska, except the westerly three hundred twenty six and one tenth (326.1) feet and the easterly one thousand one hundred eight nine (1,189.0) feet thereof, said described real estate containing a total of 2.46 acres more or less.

to do such work as may be necessary or appropriate for the construction of WATER MAIN DISTRICT 466T and related facilities on or 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, trees, bushes, 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 upon execution of this agreement and continuing until the construction work for WATER MAIN DISTRICT 467T and related facilities has been completed.

Section Three

Restoration

The City agrees to: (a) restoration of the property as reasonably practical to its grade and condition prior to construction and prior to the termination of the Agreement; (b) salvaging topsoil from areas requiring excavations and replace the topsoil after construction, (c) remove

and replace driveways in conflict with the project as per the standard specifications for the City of Grand Island.

Section Four
Compensation

The total compensation for the temporary construction occupancy shall be Eighteen Thousand Four Hundred forty Five Dollars (\$18,445.00). Such compensation includes:

- \$4,520.00 – Temporary construction use and rights to previously described real estate.
- \$9,725.00 – Relocation of reuse pit, let-down pipe, and well suction piping.
- \$1,200.00 – Relocation of electrical service to reuse pit pump.
- \$3,000.00 – Releveling, regrading and filling any settling after restoration has occurred.

Section Five
Assignment

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

Dated _____, 2014

CITY OF GRAND ISLAND, NEBRASKA
a Municipal Corporation

By _____

Title _____

OWNER
PETERSEN FARMS, INC.
a Nebraska Corporation

By Douglas Allen Pres.

Title President

WATER MAIN DISTRICT
CITY OF GRAND ISLAND

Tr. 5-Petersen Farms, Inc.

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

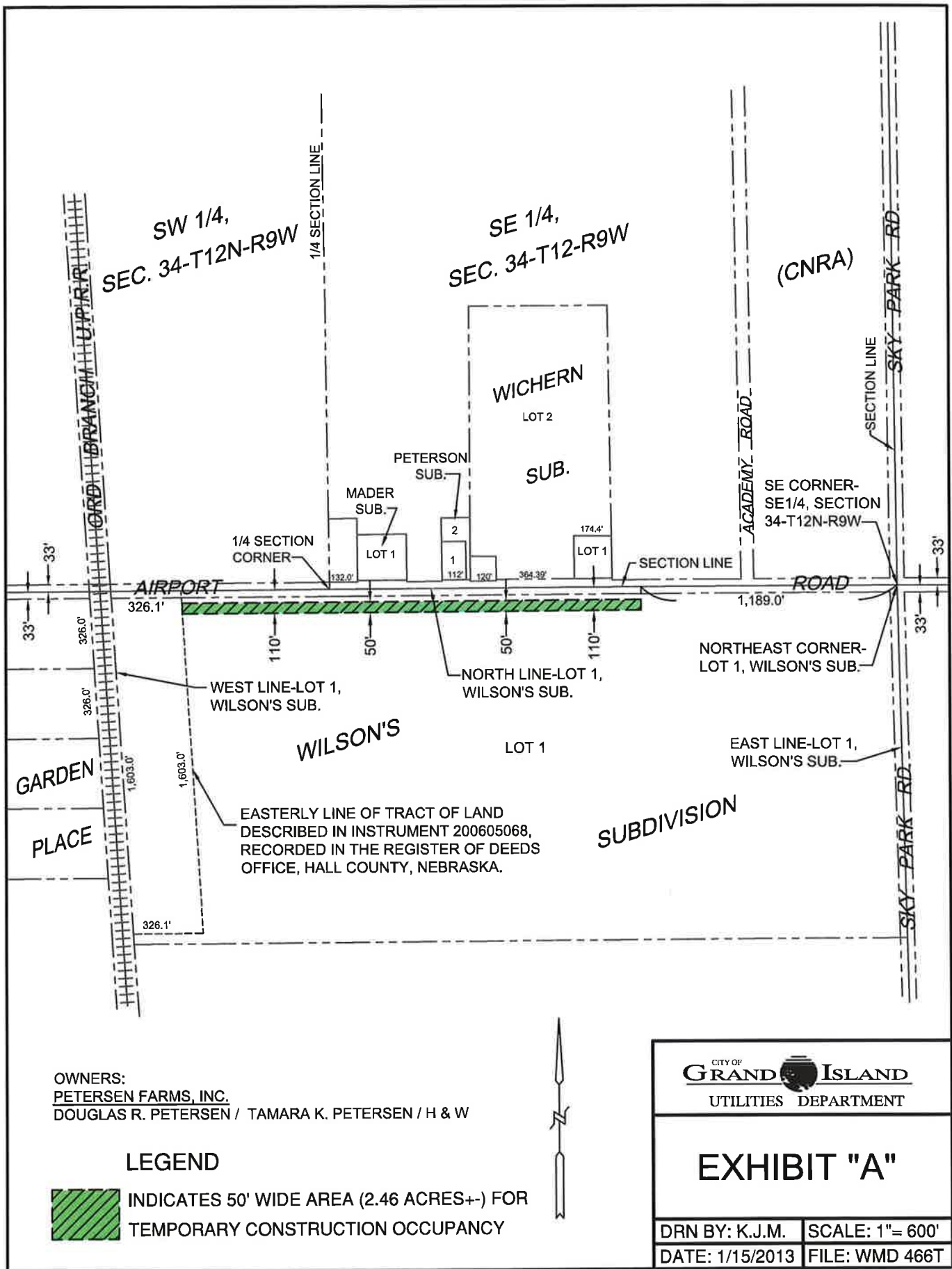
On this 3rd day of April, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared:

Douglas Petersen of PETERSEN FARMS, INC., a Nebraska Corporation, to me known personally to be the identical person and official who signed the foregoing Agreement for Temporary Construction Occupancy, and acknowledged the execution thereof to be their voluntary act and deed on behalf of the organization for the purpose therein expressed.


WITNESS my hand and Notarial Seal the date above written.



Steven Shaw
Notary Public



OWNERS:
PETERSEN FARMS, INC.
 DOUGLAS R. PETERSEN / TAMARA K. PETERSEN / H & W

LEGEND
 INDICATES 50' WIDE AREA (2.46 ACRES+-) FOR
 TEMPORARY CONSTRUCTION OCCUPANCY

CITY OF GRAND ISLAND UTILITIES DEPARTMENT	
<h1>EXHIBIT "A"</h1>	
DRN BY: K.J.M.	SCALE: 1" = 600'
DATE: 1/15/2013	FILE: WMD 466T

RESOLUTION 2014-90

WHEREAS, an Agreement for Temporary Construction Occupancy is required by the City of Grand Island from Petersen Farms, Inc., to enter upon, travel over, excavate, clear fences, drives, trees, bushes, and other improvements, backfill, store materials upon, and otherwise use the below described premises; and

WHEREAS, a public hearing was held on April 22, 2014, for the purpose of discussing the proposed 50 foot Temporary Construction Occupancy Agreement locate in Hall County, Nebraska; and more particularly described as follows:

The southerly fifty (50.0) feet of the northerly one hundred ten (110.0) feet of Lot One (1) Wilson's Subdivision, Hall County, Nebraska, except the westerly three hundred twenty six and one tenth (326.1) feet and the easterly one thousand one hundred eighty nine (1,189.0) feet thereof, said described real estate containing a total of 2.46 acres more or less.

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 acquire an Agreement for Temporary Construction Occupancy from Petersen Farms, Inc., in the amount of \$18,445.00, on the above described tract of land, and the Mayor is hereby authorized to sign the Agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska April 22, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 18, 2014	☐ City Attorney