



# City of Grand Island

Tuesday, April 22, 2014

Council Session

## Item G-9

**#2014-88 - Approving Temporary Construction Occupancy Agreement - East of Substation C on the South Side of Airport Road - Douglas & Tamara Petersen**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

**From:** Tim Luchsinger, Utilities Director

**Meeting:** April 22, 2014

**Subject:** Agreement for Temporary Construction Occupancy –  
East of Substation C on the south side of Airport Road –  
Douglas and Tamara Petersen

**Item #'s:** G-9

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

Nebraska State Law requires that acquisition of property must be approved by City Council. An Agreement for Temporary Construction Occupancy is needed relative to the property of Douglas R. and Tamara K. Petersen, 50 feet wide, south of the permanent easement on the east side of Substation C, 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 - \$2,850.00
- 2) Relocation of irrigation pipelines - \$3,979.69
- 3) Relocation of center pivot guidance wire - \$1,890.25
- 4) Re-leveling, regrading 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 \$11,719.94, 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 Eleven Thousand Seven Hundred Nineteen Dollars and Ninety Four Cents (\$11,719.94).

## **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 DOUGLAS R. PETERSEN and TAMARA K. PETERSEN, Husband and Wife, 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:

Commencing at the northeast corner of the East Half of the Northwest Quarter (E1/2, NW1/4) Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of the East Half of the Northwest Quarter (E1/2, NW1/4) said Section Four (4), a distance of sixty (60.0) feet to the ACTUAL Point Of Beginning; thence southwesterly to a point four hundred eighty (480.) feet east and forty five and nine tenths (45.9) feet south of the northwest corner of the East Half of the Northwest Quarter (E1/2, NW1/4) said Section Four (4); thence southerly, parallel with the westerly line of the East Half of the Northwest Quarter (E1/2, NW1/4) said Section Four (4), a distance of thirty one and one tenth (31.1) feet; thence easterly parallel to the northerly line of said Section Four (4) to a point on the easterly line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW1/4, NW1/4, NE1/4) said Section Four (4); thence northerly along the easterly line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW1/4, NW1/4, NE1/4) said Section Four (4), a distance of fifty (50.0) feet; thence westerly parallel to the northerly line of said Section Four (4) to the said Point Of Beginning, said described real estate containing 1.55 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 466T 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 Eleven Thousand Seven Hundred Nineteen Dollars and Ninety Four Cents (\$11,719.94). Such compensation includes:

- \$2,850.00 – Temporary construction use and rights to previously described real estate.
- \$3,979.69 – Relocation of irrigation pipelines.
- \$1,890.25 – Relocation of center pivot guidance wire.
- \$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.

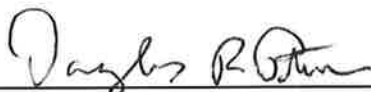
Dated \_\_\_\_\_


**CITY OF GRAND ISLAND, NEBRASKA**  
a Municipal Corporation

By \_\_\_\_\_

Title \_\_\_\_\_

**OWNER**

  
\_\_\_\_\_  
Douglas R. Petersen, husband

*Owner:*  
  
\_\_\_\_\_  
Tamara K. Petersen, wife

WATER MAIN DISTRICT  
CITY OF GRAND ISLAND

Tr.1-Petersen, Douglas

Dated this 3 day of April, 2014

On the above date, before me a General Notary Public duly  
commissioned and qualified, personally came

Douglas Petersen  
Tamara Petersen

to me know to be the identical persons \_\_\_\_\_

whose name \_\_\_\_\_ affixed to the

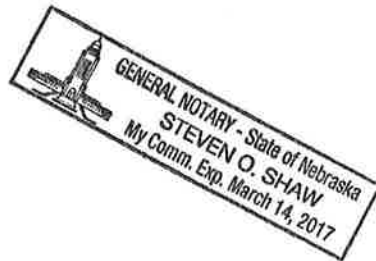
foregoing instrument as grantor \_\_\_\_\_

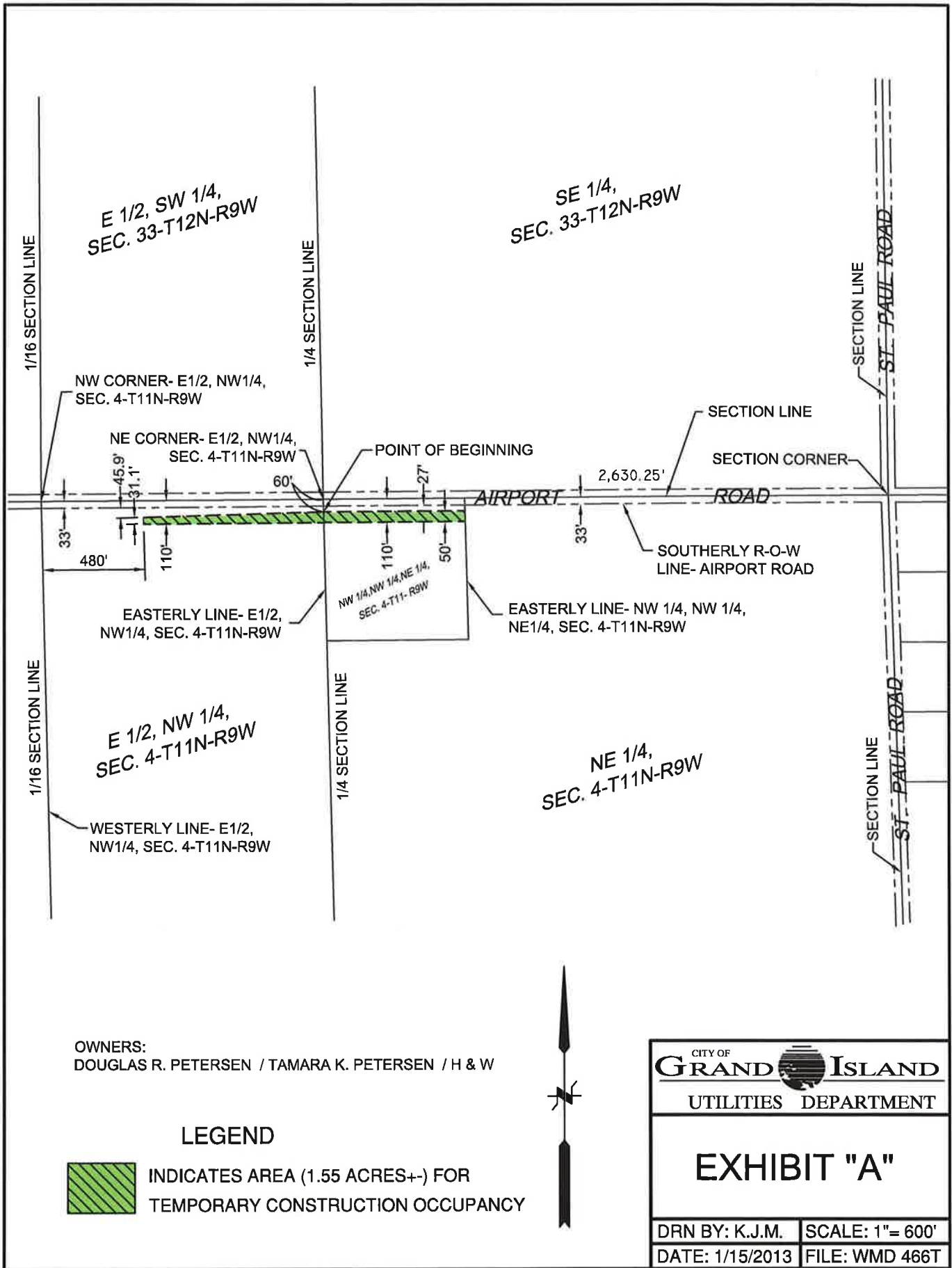
and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year above written.

Steven Shaw  
Notary

STATE OF Nebraska  
Hall County





RESOLUTION 2014-88

WHEREAS, an Agreement for Temporary Construction Occupancy is required by the City of Grand Island from Douglas R. and Tamara K. Petersen, 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 located in Hall County, Nebraska; and more particularly described as follows:

Commencing at the northeast corner of the East Half of the Northwest Quarter (E1/2, NW1/4) Section Four (4), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of the East Half of the Northwest Quarter (E1/2, NW1/4) said Section Four (4), a distance of sixty (60.0) feet to the ACTUAL Point Of Beginning; thence southwesterly to a point four hundred eighty (480.) feet east and forty five and nine tenths (45.9) feet south of the northwest corner of the East Half of the Northwest Quarter (E1/2, NW1/4) said Section Four (4); thence southerly, parallel with the westerly line of the East Half of the Northwest Quarter (E1/2, NW1/4) said Section Four (4), a distance of thirty one and one tenth (31.1) feet; thence easterly parallel to the northerly line of said Section Four (4) to a point on the easterly line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW1/4, NW1/4, NE1/4) said Section Four (4); thence northerly along the easterly line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW1/4, NW1/4, NE1/4) said Section Four (4), a distance of fifty (50.0) feet; thence westerly parallel to the northerly line of said Section Four (4) to the said Point Of Beginning, said described real estate containing 1.55 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 Douglas R. and Tamara K. Petersen, in the amount of \$11,719.94, 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