



City of Grand Island

Tuesday, May 27, 2014

Council Session

Item G-18

#2014-127 - Approving Use of Land Owned by the City of Grand Island (Capital and Webb Mini-Park) for Facilities to be Constructed on the Capital Avenue - Webb Road to Broadwell Avenue Project

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

Council Agenda Memo

From: Scott Griepentstroh, Project Manager

Meeting: May 27, 2014

Subject: Approving Use of Land owned by the City of Grand Island (Capital and Webb Mini-Park) for facilities to be constructed on the Capital Avenue - Webb Road to Broadwell Avenue Project

Item #'s: G-18

Presenter(s): John Collins, Public Works Director

Background

The City and the Nebraska Department of Roads (NDOR) entered into an agreement, which was executed by the City on May 24, 2011 by Resolution No. 2011-124, which specified various duties and funding responsibilities for the Capital Avenue – Webb Road to Broadwell Avenue project. The agreement required that NDOR Standards and Specifications are to be used for design, construction inspection and quality control.

This project will consist of removal of the existing 24' wide asphalt roadway and construction of new concrete pavement on Capital Avenue from Webb Road through Broadwell Avenue. The new roadway will consist of five lane curbed concrete pavement. Other improvements include construction of sidewalks and a concrete hike/bike trail, updated street lighting, and construction of new storm sewer. A pedestrian signal will be constructed approximately 1000' east of Webb Road to provide for safe crossing for users of the hike/bike trail.

This project will be coordinated with the North Interceptor Sanitary Sewer project.

Discussion

As per guidance from the Nebraska Department of Roads, a critical component of any federal aid public transportation project are the land rights needed to facilitate the construction, operation and maintenance of the project in accordance with Federal Highway Administration 23 Code of Federal Regulations 1.23(a), which states "Interest to be acquired. The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project." These rights ensure that the facility that is developed with Federal Transportation funds has a legal

right to exist and cannot be displaced by a competing land use, and a return on the investment will be realized.

Property that is currently owned by the City of Grand Island that was initially purchased for a purpose other than for pedestrian, drainage and utility facilities cannot be readily used for this project, without execution of the Declaration as to Use document. The purpose or use consistent with the requirements of the project need to be established and of record by execution of a “Declaration as to Use” resolution. The duration the declaration is to be in effect is a minimum of 25 years from completion of construction.

Once approved, a copy of the “Declaration as to Use” resolution must be placed on file at the Register of Deeds office.

Submittal of final design plans and acquisition of right-of-way and easements are anticipated to be complete this summer. Relocation of utilities is planned to occur in early 2015 following completion of Phase 2 of the North Interceptor Sanitary Sewer project. Roadway construction is planned to begin in spring of 2015.

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 use of a portion of land owned by the City of Grand Island (Capital and Webb Mini-Park) for facilities to be constructed on the Capital Avenue - Webb Road to Broadwell Avenue Project.

Sample Motion

Move to approve the agreement.

GRAND ISLAND, NEBRASKA

RESOLUTION NO. 127

DECLARATION AS TO USE

WHEREAS; the City of Grand Island is the owner of a portion of the North Half of Fractional Section 7, and a portion of the Northwest Quarter of Section 8, both located in Township 11 North, Range 9 West of the Sixth Principal Meridian, Hall County, Nebraska, and

WHEREAS; said portion of the North Half of Fractional Section 7, and said portion of the Northwest Quarter of Section 8, both located in Township 11 North, Range 9 West of the Sixth Principal Meridian, Hall County, Nebraska, are now being occupied by drainage facilities and utility facilities, and

WHEREAS; The City of Grand Island hereby wishes to construct, operate, and maintain a pedestrian facilities, drainage facilities, and retaining wall facilities across a portion of said property, and

WHEREAS; The pedestrian facilities, drainage facilities, and retaining wall facilities are to be constructed as part of Nebraska Department of Roads project URB-5436(5), Control Number 42707, and identified as Capital Avenue Paving Improvements, and

WHEREAS; To comply with Federal Highway Administration 23 CFR 1.23(a) – “Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project”; It is necessary for the City of Grand Island to declare that a portion of said property shall be used for the construction, operation, and maintenance of a pedestrian facilities, drainage facilities, and retaining wall facilities for a period of no less than twenty five years from the completion of its construction, and

NOW THEREFORE, BE IT RESOLVED; that the Mayor and City Council of the City of Grand Island, Nebraska, hereby approves the use of a portion of said land owned by the City of Grand Island for the construction, operation, and maintenance of a pedestrian facilities, drainage facilities, and retaining wall facilities as shown on attached Exhibit “A”, and as aligned in project plans and specifications for Nebraska Department of Roads project URB-5436(5), Control Number 42707, and identified as Capital Avenue Paving Improvements, for a period of no less than twenty five years from the completion of its construction.

Passed and approved this 27th day of May, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 22, 2014	☐ City Attorney

