



City of Grand Island

Tuesday, September 23, 2014

Council Session

Item D-1

**#2014-BE-6 - Consideration of Determining Benefits for Water
Main District 458T, Platte Valley Industrial Park - East**

Staff Contact: Tim Luchsinger

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director

Meeting: September 23, 2014

Subject: Water Main District 458T – Platte Valley Industrial Park East – Board of Equalization Hearing and Consideration of Determination of Benefits

Item #'s: D-1 & I-2

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Platte Valley Industrial Park East (PVIP-E) is located on the west side of Blaine Street, between Schimmer Drive and Wildwood Drive. PVIP-E is a 280 acre tract of land that is owned by the Grand Island Area Economic Development Corporation (GIAEDC).

Water Main District 458T was authorized by the Council on November 23, 2010, to provide municipal water service adjacent to the properties, thereby making the area more attractive for commercial and industrial usage.

On October 26, 2010, the City Council approved funding assistance for installation of infrastructure from a grant from the Nebraska Department of Economic Development. The monies were provided from the Community Development Block Grant (CDBG) Disaster Recovery Program. At the same time, additional funding was also allocated from the Local Area Economic Development LB 840 Program.

Discussion

As a cost savings from the economy of scale, a joint Utilities/Public Works Contract was prepared for construction of water and sewer lines to the PVIP-E area. Specifications for the project were developed and bids advertised and received in accordance with the City Purchasing Code.

On April 10, 2012, The Diamond Engineering Company of Grand Island was awarded the joint contract for a total of \$1,262,909.56. The contract consisted of installing 8,700 feet of sanitary sewer and 8,500 feet of 16" diameter water main. The bid award was based on the least total cost for the entire project (water main and sanitary sewer).

The total project cost for the water main construction was \$856,068.68. The City has just received final grant disbursements for the project. The funding assistance includes: \$334,762.00 from the original Community Development Block Grant; \$32,909.00 from the amended Grant reallocation; \$36,985.00 for easement reimbursements from the EDC; and \$119,758.45 from LB 840 funding. The total funding assistance for Water Main District 458T is \$524,414.45.

The remaining balance of \$331,654.23 will be charged to the properties receiving benefit within the district's boundary. Those connection fees are due when a property "taps" the water main for service. This is the City's standard method used to recoup costs when water mains are installed across undeveloped lands. The connection (tap) fee for properties within the boundary of Water Main District 458T is \$21.510958 per front foot.

Attached for reference are copies of the tabulation of construction costs for Water Main District 458T; a tabulation of connection fees for the properties within District 458T, and the district's boundary plat.

Alternatives

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

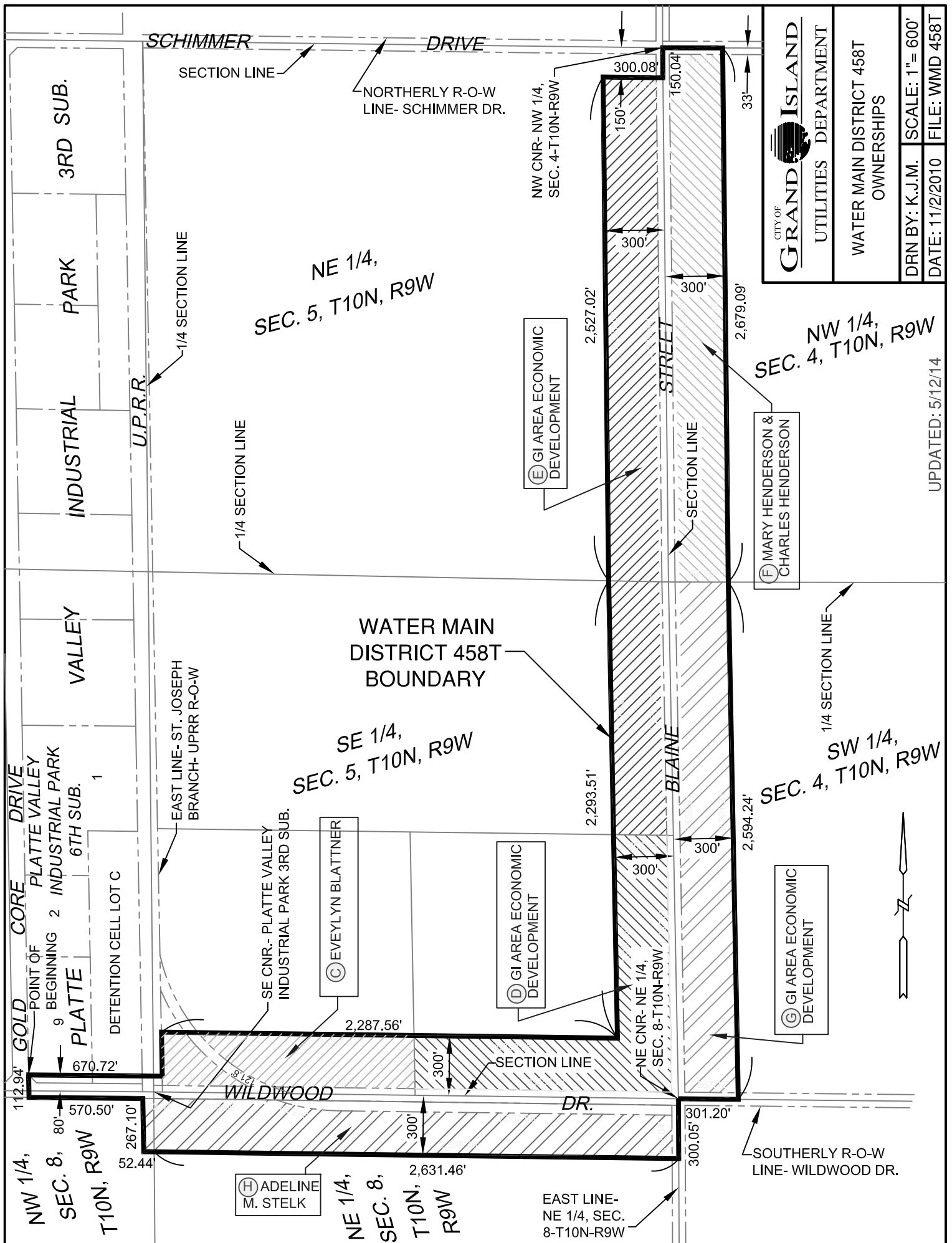
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

It is recommended that the Council sit as a Board of Equalization and establish the connection fees for the properties within the district.

Sample Motion

Move to sit as a Board of Equalization to establish the connection fees for the properties within Water Main District 458T.



 CITY OF GRAND ISLAND	UTILITIES DEPARTMENT	DRN BY: K.J.M.	SCALE: 1" = 600'
	WATER MAIN DISTRICT 458T OWNERSHIPS	DATE: 11/2/2010	FILE: WMD 458T
	UPDATED: 5/12/14		

WATER MAIN DISTRICT 458T
Platte Valley Industrial Park East
 Wildwood Dr - Gold Core to Blaine St
 Blaine St - Wildwood Dr to Schimmer Dr

THE DIAMOND ENGINEERING COMPANY
 P O Box 1327
 Grand Island, NE 68802
 Tel: (308) 382-8362 Fax: (308) 382-8389

5/12/2014

Item	Description	BID	TOTAL QUANTITIES PLACED		TOTAL AMT
		Unit \$		Unit	COMPLETED \$
C. 1.01	16" d.i. pipe (SJ)	62.15	8,414.00	l.f.	\$522,930.10
C. 1.02	16" d.i. pipe (RJ)	76.60	126.00	l.f.	\$9,651.60
C. 1.03	30"x0.500" Steel casing	275.00	120.00	l.f.	\$33,000.00
C. 1.04	16"x16"x16" tapping sleeve (MJ)	7,265.00	1.00	ea.	\$7,265.00
C. 1.05	16"x16"x16" Tee (MJ)	975.00	1.00	ea.	\$975.00
C. 1.06	16"x16"x6" tee (MJ)	675.00	16.00	ea.	\$10,800.00
C. 1.07	16"X22 1/2° Ell (MJ)	555.00	10.00	ea.	\$5,550.00
C. 1.08	16"X6" Reducer (MJ)	405.00	1.00	ea.	\$405.00
C. 1.09	16" sleeve coupling	510.00	21.00	ea.	\$10,710.00
C. 1.10	16" Tapping Valve	7,430.00	1.00	ea.	\$7,430.00
C. 1.11	16" Butterfly Valve	2,553.00	10.00	ea.	\$25,530.00
C. 1.12	valve box	145.00	11.00	ea.	\$1,595.00
C. 1.13	Fire Hydrant assembly Type 1	1,400.00	16.00	ea.	\$22,400.00
C. 1.14	Fire Hydrant Assembly Type 2	1,980.00	1.00	ea.	\$1,980.00
C. 1.15	Thrust Block	350.00	23.00	ea.	\$8,050.00
C. 1.16	Thrust Block - Invert "A"	965.00	3.00	ea.	\$2,895.00
C. 1.17	Thrust Block - Invert "B"	820.00	3.00	ea.	\$2,460.00
C. 1.18	remove asph./conc. Driveway	5.80	0.00	s.y.	\$0.00
C. 1.19	replace asph./conc. Driveway	31.00	0.00	s.y.	\$0.00
C. 1.20	remove asph./conc. Roadway	6.80	83.40	s.y.	\$567.12
C. 1.21	replace concrete roadway	34.50	83.40	s.y.	\$2,877.30
C. 1.22	remove and replace gravel roadway	18.00	10.00	ton	\$180.00
C. 1.23	Residential Type Seeding & Restoration	9,535.00	0.40	Ac	\$3,814.00
C. 1.24	Non-Residential Type Seeding & Restoration	2,695.00	4.45	Ac	\$11,992.75
C. 1.25	Row Crop Area Restoration	340.00	6.70	Ac	\$2,278.00
C. 1.26	Dewatering	9.55	2,593.00	l.f.	\$24,763.15
C. 1.27	Temporary Traffic Control	1,250.00	1.00	L.S.	\$1,250.00
C. 1.28	Temporary Fencing	4,370.00	1.00	L.S.	\$4,370.00
C. 1.29	Remove & Replace Permanent Fencing	1,586.00	1.00	L.S.	\$1,586.00
CONTRACT TOTAL AMOUNT					\$727,305.02
Easements					\$45,987.50
City Supplied Materials					\$23,834.13
Services & Supplies					\$4,446.08
Engineering					\$37,577.04
Overhead					\$16,918.91
PROJECT TOTAL					\$856,068.68
Less PVSB Easement Reimbursement					-\$36,985.00
Less CDBG Reimbursement					-\$334,762.00
Less CDBG Amendment					-\$32,909.00
LB 840 Funds					-\$119,758.45
Total Reimbursement					-\$524,414.45
ASSESSABLE TOTAL					\$331,654.23

**TABULATION OF CONNECTION FEES
WATER MAIN DISTRICT 458T
WWO 22919**

5/12/2014

ITEM	AMOUNT
Contract =	\$727,305.02
Easements =	\$45,987.50
City Materials =	\$23,834.13
Engineering =	\$37,577.04
Overhead =	\$16,918.91
Services & Supplies	\$4,446.08
Total Project =	<u>\$856,068.68</u>
Less PVS B Easement	-\$36,985.00
Less CDBG =	-\$334,762.00
Less CDBG Amendment =	-\$32,909.00
LB 840 Funds	-\$119,758.45
Total Reimbursements =	<u>-\$524,414.45</u>
Assessable =	\$331,654.23
Connection Fee / FF	\$21.510958

OWNER	PARCEL #	SEE ATTACHED PROPERTY DESCRIPTION	FRONT FOOTAGE	TOTAL CONNECTION FEE
Blattner Family Trust 10 Trailwood Creek Lufkin, TX 75901	400209217	Part SW 1/4, SE 1/4 Section 5, T-10-N, R-9-W "C"	1,145.46	\$24,639.94
Grand Island Area Economic Development PO Box 1151 Grand Island, NE 68802	400209225	Part SW 1/4, SE 1/4 Section 5, T-10-N, R-9-W "D"	2,575.34	\$55,398.03
Grand Island Area Economic Development PO Box 1151 Grand Island, NE 68802	400209209 400209160	Part E 1/2, NE 1/4 Section 5, T-10-N, R-9-W Part N 1/2, SE 1/4 Section 5, T-10-N, R-9-W "E"	3,800.03	\$81,742.29
Charles H Henderson Mary Alice Henderson, H/W 24 E Laurel Street Harrisonburg, VA 22801	400209047	Part W 1/2, NW 1/4 Section 4, T-10-N, R-9-W "F"	2,646.23	\$56,922.94
Grand Island Area Economic Development PO Box 1151 Grand Island, NE 68802	400209055	Part SW 1/4 Section 4, T-10-N, R-9-W "G"	2,558.91	\$55,044.61
Adeline M Stelk 2659 W Wildwood Dr Grand Island, NE 68801	400209241	Part N 1/2, NE 1/4 Section 8, T-10-N, R-9-W Part NE 1/4, NW 1/4 Section 8, T-10-N, R-9-W "H"	2,691.95	\$57,906.42
			Total Footage	15,417.92
			Total All Connection Fees \$331,654.23	

OPINION OF THE GRAND ISLAND CITY ATTORNEY (2014-07)

TO: Honorable Jay Vavricek, Mayor
Members of the Grand Island City Council
FROM: Robert J. Sivick, Grand Island City Attorney
RE: Issues Related to the Platte Valley Industrial Park East
DATE: September 18, 2014

In recent months two issues have arisen related to the development of the Platte Valley Industrial Park East (PVIPE). The first involves Community Development Block Grant 10-ED-010 (Grant) awarded the City of Grand Island (City). Application for this grant was made at the request of the Grand Island Area Economic Development Corporation (GIAEDC) as that organization was ineligible to make application on its own. The Grant funds were used for developing public infrastructure at PVIPE contingent on the creation of a number of jobs, income levels of persons holding those jobs, and those jobs existing for at least one year. The Grant was in the amount of \$925,000.00 and must be repaid by the City to the State of Nebraska if those conditions are not met.

The second issue involves the Grand Island City Council (Council) sitting as the Board of Equalization to assess the cost of improvements to PVIPE. I have been asked to render an opinion on these matters. This document constitutes my opinion.

- I. WILL THE CITY HAVE A CAUSE OF ACTION AGAINST THE GRAND ISLAND AREA ECONOMIC DEVELOPMENT CORPORATION (GIAEDC) IF THE GIAEDC FAILS TO MEET THE CONDITIONS OF THE GRANT AND THOSE GRANT MONIES MUST BE REPAYED BY THE CITY TO THE STATE OF NEBRASKA?

Most likely no. On July 27, 2010 the Council approved Resolution 2010-207 which authorized the City to enter into an economic development agreement with the GIAEDC which incorporated the terms of the Grant. During that meeting assurances were made by both City and GIAEDC staff an agreement would be entered into by the parties setting forth terms of implementing the Grant, particularly a provision requiring the GIAEDC to reimburse the City if the conditions of the Grant were not met and the Grant funds would have to be repaid. No such implementation agreement was drafted or executed by the parties.

During the Summer of 2014 City staff attempted to remedy

the oversight from 2010 by drafting an implementation agreement to be executed by the City and GIAEDC. The GIAEDC declined to execute such an agreement or even discuss the matter. On August 21, 2014 City Administration brought the matter before the Council for guidance in the form of Resolution 2014-233 directing City staff to continue pursuing negotiations regarding an implementation agreement. The Council unanimously voted to deny Resolution 2014-233.

A number of statements have been made that pursuing an implementation agreement or memorializing obligations is premature at this point as the first benchmark for meeting conditions of the Grant will not occur until March 25, 2016. However, without a written agreement any cause of action would be based solely on oral statements and promises made in 2010. That would be weak evidence of a contractual obligation as alluded to by movie mogul Samuel Goldwyn when he supposedly quipped, "A verbal contract isn't worth the paper it's written on." In addition, by rejecting Resolution 2014-233 a strong argument could be made the City through the actions of its governing body relinquished its interest in any cause of action against the GIAEDC.

II. MAY THE COUNCIL ACTING AS THE BOARD OF EQUALIZATION IMPOSE AN ADDITIONAL ASSESSMENT IN THE FUTURE FOR ANY GRANT DOLLARS USED TO CONSTRUCT INFRASTRUTURE AT PVIPE IF THOSE DOLLARS MUST BE RETURNED TO THE STATE FOR FAILING TO MEET THE CONDITIONS OF THE GRANT?

No. Nebraska law (Neb. Rev. Stat. §§16-622, 16-669, 16-672.07, and 16-6,103) is very clear when assessments for costs of public infrastructure improvements are made those assessments must reflect the costs of the improvements and assessments must be "levied at one time". (Neb. Rev. Stat. §§16-622 and 16-669). The Grant monies used for construction of the improvements at PVIPE were not "costs" borne by the City but by the State of Nebraska and ultimately the United States government. An additional assessment made in the future resulting from the City having to repay those Grant funds would violate the legal requirement assessments be levied once.

III. MAY THE COUNCIL ACTING AS THE BOARD OF EQUALIZATION ASSESS THE COSTS OF IMPROVEMENTS TO INCLUDE THE AMOUNT RECEIVED FROM THE GRANT AND THEN REIMBURSE THE GRANT FUND PORTION TO PROPERTY OWNERS IN THE EVENT THE GRANT DOES NOT HAVE TO BE REPAID?

No. Again, Nebraska law (see preceding paragraph) requires the assessment reflect the costs borne by the City for public infrastructure improvements. Although the Grant was used to pay a portion of those costs those funds were provided by the State of Nebraska from monies received from the United States government. Assessments may not be based on speculation of future costs and including the Grant dollars in the assessment would create a windfall for the City in that it would recover a portion of its costs twice, once through the use of the Grant and once through the assessment.

IV. MAY THE COUNCIL DELAY ASSESSING THE COSTS OF IMPROVMENTS UNTIL SUCH TIME AS THE CITY WILL KNOW WHETHER THE GRANT WILL HAVE TO BE REPAID?

Such an action passing legal muster is possible but not probable. Laws regulating public infrastructure improvements in Cities of the First Class are contained in Article 6 of Chapter 16 of the Nebraska Revised Statutes. Those laws were enacted over the course of decades in the late nineteenth and early twentieth centuries as public infrastructure improvements advanced from wooden plank sidewalks abutting dirt streets to modern water and sewer systems. Consequently, many of these statutes conflict with one another. Regarding time constraints, the statutes primarily deal with minimum periods of notice through publication and payment and delinquency periods.

Although no hard and fast timeline exists for the Council sitting as a Board of Equalization to assess the costs of improvements, it can be presumed the Council is required to do so in a reasonable period of time after completion of construction and the calculation of costs related thereto. Waiting an additional year and a half to see if the Grant must be repaid will probably not be considered reasonable, particularly by a property owner having to pay a greater amount for an assessment levied in 2016 as opposed to one levied in 2014.

There is limited case law interpreting the laws regulating

public infrastructure improvements in First Class Cities. However, in *Turner, et. al. v. City of North Platte*, 203 Neb. 706, 279 N.W.2d 868 (1979) the Supreme Court spoke clearly when it held,

The legislative power and authority delegated to a city to construct local improvements and levy assessments for payments thereof is to be strictly construed, and every reasonable doubt as to the extent or limitation of such power and authority is resolved against the city and in favor of the taxpayer.

Id. at 713-714.

Accordingly, under the standard set forth in *Turner*, it is probable a Court would rule against the City regarding any additional costs and assessments resulting from the City having to repay the Grant. Most likely a Court would characterize such an action as a separate legal dispute between the City and the GIAEDC not involving the property owner.

V. IF THE GRANT MUST BE REPAYED WHICH FUND WILL THE REPAYMENT BE DRAWN FROM?

That will be an issue for the 2016 Council to decide if necessary. The Council may draw the repayment from the General Fund or the Utility and Wastewater Enterprise Funds in pro rata shares reflective of the costs of particular infrastructure improvements. The only difference would be whether City taxpayers or ratepayers would bear the cost of repayment.

If you need any additional information do not hesitate to contact me.

RESOLUTION 2014-BE-6

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Water Main District 458T, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$331,654.23; and

Such benefits are equal and uniform; and

According to the area of the respective lots, tracts, and real estate within such Water Main District No. 458T such benefits are the sums set opposite the several descriptions as follows:

Name	Parcel Number	Description	Connection Fee
Blattner Family Trust 10 Trailwood Creek Lufkin TX 75901	400209217	Beginning at the intersection of the northerly right-of-way line of Wildwood Drive and the easterly right-of-way line of the River Industrial Lead Railroad, formerly known as the St. Joseph Branch of the Union Pacific Railroad; thence northerly, along the said easterly right-of-way line of the River Industrial Lead Railroad, a distance of two hundred sixty seven and thirteen hundredths (267.13) feet; thence easterly and three hundred (300.0) feet parallel with the southerly line of the Southwest Quarter of the Southeast Quarter (SW ¼, SE ¼,) of Section Five (5), Township Ten (10) North, Range Nine (9) West, a distance of one thousand two hundred sixty seven and two hundredths (1,267.02) feet to a point on the easterly line of the Southwest Quarter of the Southeast Quarter (SW ¼, SE ¼), of said Section Five (5), thence southerly along the easterly line of the Southwest Quarter of the Southeast Quarter (SW ¼, SE ¼) of said Section Five (5), a distance of two hundred sixty seven and fourteen hundredths (267.14) feet to a point on the northerly right-of-way line of said Wildwood Drive; thence westerly along the northerly right-of-way line of said Wildwood Drive, a distance of one thousand two hundred sixty seven and twenty six hundredths (1,267.26) feet to the said Point of Beginning. Except that part deeded to the City of Grand Island for a Railroad Spur Line described in Instrument #78-007701(See attached) recorded in the Hall County, Nebraska Register of Deeds Office.	\$24,639.94
Grand Island Area Economic Development PO Box 1151 Grand Island NE 68802-1151	400209225	Beginning at the intersection of the northerly right-of-way line of Wildwood Drive and the westerly right-of-way line Blaine Street; thence westerly along the northerly right-of-way line of said Wildwood Drive, a distance of one thousand two hundred eighty seven and sixty seven hundredths (1,287.67) feet to a point on the westerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of Section Five (5), Township Ten (10) North, Range Nine (9) West; thence northerly along	\$55,398.03

Approved as to Form _____ September 19, 2014 ✕ City Attorney
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		<p>the westerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of two hundred eighty seven and fourteen hundredths (287.14) feet; thence easterly and three hundred (300.0) feet parallel with the southerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of one thousand twenty and fifty three hundredths (1,020.53) feet; thence northerly and three hundred (300.0) feet parallel with the easterly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of one thousand twenty and fifty three hundredths (1,020.53) feet to a point on the northerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5); thence easterly along the northerly line of the Southeast Quarter of the Southeast Quarter (SE ¼, SE ¼) of said Section Five (5), a distance of two hundred sixty seven and fourteen hundredths (267.14) feet to a point on the westerly right-of-way line of said Blaine Street; thence southerly along the westerly right-of-way line of said Blaine Street, a distance of one thousand two hundred eighty seven and sixty seven (1,287.67) feet to the northerly right-of-way line of Wildwood Drive being the said Point of Beginning.</p>	
<p>Grand Island Area Economic Development PO Box 1151 Grand Island NE 68802-1151</p>	<p>400209209 400209160</p>	<p>Beginning at a point on the westerly right-of-way line of Blaine Street, said point being one hundred fifty (150.0) feet south of the northerly line of the Northeast Quarter (NE ¼) of Section Five (5), Township Ten (10) North, Range Nine (9) West; thence southerly along the westerly right-of-way line of said Blaine Street, a distance of two thousand five hundred twenty nine and eighty seven hundredths (2,529.87) feet to a point on the northerly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5); thence continuing along the westerly right-of-way line of said Blaine Street, a distance of one thousand two hundred seventy and sixteen hundredths (1,270.16) feet to a point on the southerly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5); thence westerly along the southerly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5), a distance of two hundred sixty seven and fourteen (267.14) feet; thence northerly and three hundred (300.0) feet parallel with the easterly line of the North Half of the Southeast Quarter (N1/2, SE ¼) of said Section Five (5), a distance of one thousand two hundred seventy two and six tenths (1,272.6) feet to a point on the southerly line of the Northeast Quarter (NE ¼) of said Section Five (5); thence continuing northerly and three hundred (300.0) feet parallel with the easterly line of the Northeast Quarter (NE ¼) of said Section Five (5), a distance of two thousand five hundred twenty seven and two hundredths (2,527.02) feet; thence easterly and one hundred fifty (150.0) feet parallel with the northerly line of the Northeast Quarter (NE ¼) of said Section Five (5), a distance of two hundred sixty seven and eight hundredths (267.08) feet to a point on the westerly right-</p>	<p>\$81,742.29</p>

		of-way line of said Blaine Street being the said Point of Beginning.	
Charles H. Henderson Mary Alice Henderson, H/W 24 E Laurel Street Harrisonburg VA 22801	400209047	Beginning at the intersection of the easterly right-of-way line of Blaine Street and the southerly right-of-way line of Schimmer Drive; thence easterly along the southerly right-of-way line of said Schimmer Drive, a distance of two hundred sixty eight and twenty one hundredths (268.21) feet; thence southerly and three hundred (300.0) feet parallel with the westerly line of the Northwest Quarter (NW ¼) of Section Four (4), Township Ten (10) North, Range Nine (9) West, a distance of two thousand six hundred forty six and forty five hundredths (2,646.45) feet to a point on the southerly line of the Northwest Quarter (NW ¼) of said Section Four (4); thence westerly along the southerly line of the Northwest Quarter (NW ¼) of said Section Four (4), a distance of two hundred sixty seven and six hundredths (267.06) feet to a point on the easterly right-of-way line of said Blaine Street; thence northerly along the easterly right-of-way line of said Blaine Street, a distance of two thousand six hundred forty six and twenty three hundredths (2,646.23) feet to a point on the southerly right-of-way line of said Schimmer Drive being the said Point of Beginning.	\$56,922.94
Grand Island Area Economic Development PO Box 1151 Grand Island NE 68802-1151	400209055	Beginning at the intersection of the northerly right-of-way line of Wildwood Drive and the easterly right-of-way line of Blaine Street; thence northerly along the easterly right-of-way line of Blaine Street, a distance of two thousand five hundred fifty eight and ninety one hundredths (2,558.91) feet to a point on the northerly line of the Southwest Quarter (SW ¼) of said Section Four (4), Township Ten (10) North, Range Nine (9) West; thence easterly along the northerly line of the Southwest Quarter (SW ¼) of said Section Four (4), a distance of two hundred sixty seven and six hundredths (267.06) feet; thence southerly and three hundred (300.0) feet parallel with the westerly line of the Southwest Quarter (SW ¼) of said Section Four (4), a distance of two thousand five hundred sixty one and twenty one hundredths (2,561.21) feet to a point on the northerly right-of-way line of said Wildwood Drive; thence westerly along the northerly right-of-way line of said Wildwood Drive, a distance of two hundred sixty seven and twelve hundredths (267.12) feet to a point on the easterly right-of-way line of said Blaine Street being the said Point of Beginning.	\$55,044.61
Adeline M. Stelk 2659 West Wildwood Drive Grand Island NE 68801	400209241	Beginning at a point on the westerly right-of-way line of Blaine Street, said point being eighty three (83.0) feet south of the northerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of Section Eight (8), Township Ten (10) North, Range Nine (9) West; thence westerly and eighty three (83.0) feet parallel with the with the northerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of said Section Eight (8), a distance of one thousand seven hundred seven and fifty eight hundredths (1,707.58) feet to a point of curvature; thence running northwesterly along the arc of a curve whose radius is nine hundred eighty five and thirty seven	\$57,906.42

	<p>hundredths (985.37) feet (the long chord of which deflects 11°50'33" right from the last described course), a long chord distance of three hundred fifteen and twenty four hundredths (315.24) feet to a point on the southerly right-of-way line of Wildwood Drive; thence westerly along the southerly right-of-way line of said Wildwood Drive, a distance of six hundred sixteen and sixty nine hundredths (616.69) feet to a point on the easterly line of the Northwest Quarter (NW1/4) of said Section Eight (8); thence continuing westerly along the southerly right-of-way line of said Wildwood Drive, a distance of fifty two and forty four hundredths (52.44) feet; thence southerly and parallel with the easterly line of the Northwest Quarter (NW1/4) of said Section Eight (8), a distance of two hundred sixty seven and ten hundredths (267.10) feet; thence easterly and three hundred (300.0) feet parallel with the northerly line of the Northwest Quarter (NW1/4) of said Section Eight (8), a distance of fifty two and forty four hundredths (52.44) feet to a point on the westerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of said Section Eight (8); thence continuing easterly and three hundred (300.0) feet parallel with the northerly line of the North Half of the Northeast Quarter (N1/2, NE1/4) of said Section Eight (8), a distance of two thousand five hundred ninety eight and forty six hundredths (2,598.46) feet to a point on the westerly right-of-way line of said Blaine Street; thence northerly along the westerly right-of-way line of said Blaine Street, a distance of two hundred seventeen and four hundredths (217.04) feet to the said Point of Beginning.</p>	
TOTAL All Connection Fees		\$331,654.23

BE IT FURTHER RESOLVED that the special benefits as determined by this resolution shall not be levied as special assessments, but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103,R.R.S. 1943. A connection fee in the amount of the above benefit accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the water main. No property benefited as determined by this resolution shall be connected to the water main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

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- 4 -

Adopted by the City Council of the City of Grand Island, Nebraska September 23, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk