



# City of Grand Island

Tuesday, July 09, 2002

Council Session

## Item G21

### **#2002-203 - Approving Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10 by Eminent Domain (T & E Cattle Company)**

*This item relates to Item E-6 above. The proposed resolution authorizes acquisition of a drainage ditch right of way from T&E Cattle Company by an action in eminent domain in the Hall County Court. Negotiations for a voluntary acquisition of the right of way have proven fruitless, so this is the only avenue left for acquiring the land necessary for the drainage ditch.*

Staff Contact: Charlie Cuypers

RESOLUTION 2002-203

WHEREAS, on April 23, 2002, by Resolution 2002-107, the City of Grand Island approved and authorized the acquisition of public right-of-way along North Road, adjacent to Faidley Avenue from T & E Cattle Company, a corporation, for the purpose of a drainage ditch; and

WHEREAS, the City and T & E Cattle Company have been unable to agree upon a price and terms for the acquisition of right-of-way; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire the following property as public right-of-way:

Tract No. 1: A tract of land comprising a part of the northwest corner of the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska more particularly described as follows:

Beginning at a point where the east line of North Road intersects the north line of Faidley Avenue, said point being Thirty Three (33.0) feet east of the west line of the Southwest Quarter (SW1/4) of Section 13-11-10; thence north on the east line of North Road for a distance of Three Hundred Seventy (370.0) feet; thence east on a line Sixty (60.0) feet south of and parallel to the north line of the Southwest Quarter (SW1/4) of Section 13-11-10 for a distance of One Hundred Thirteen (113.0) feet; thence south on a line One Hundred Thirteen (113.0) feet east of and parallel to the east line of North Road for a distance of Three Hundred Seventy (370.0) feet to the north line of Faidley Avenue; thence west on the north line of Faidley Avenue for a distance of One Hundred Thirteen (113.0) feet to the point of beginning, containing 0.96 acres more or less, as shown on the plat dated March 6, 2002 attached hereto as "Tract 1".

Tract No. 2: A tract of land comprising a part of the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, being more particularly described as follows:

Beginning at a point on the south line of Faidley Avenue, said point being Sixty Six (66.0) feet east of the intersection of the west line of the Southwest Quarter (SW1/4) of Section 13-11-10 and the south line of Faidley Avenue; thence east on the south line of Faidley

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Avenue for a distance of Eighty (80.0) feet; thence south on a line One Hundred Thirteen (113.0) feet east of and parallel to the east line of North Road for a distance of One Thousand Seven Hundred Twelve and Seven Tenths (1,712.70) feet more or less to a point; thence west on a line Four Hundred Thirty Three (433.0) feet north of and parallel to the south line of Section 13-11-10 for a distance of One Hundred Thirteen (113.0) feet to the east line of North Road; thence north on the east line of North Road to a point where it intersects a prolongation of the north line of Potash Subdivision; thence east on a prolongation of the north line of Potash Subdivision for a distance of Thirty Three (33.0) feet; thence north on a line Thirty Three (33.0) feet east of and parallel to the east line of North Road to the point of beginning, containing 3.8 acres more or less, as shown on the plat dated March 6, 2002 attached hereto as "Tract 2".

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Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

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RaNae Edwards, City Clerk

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