



City of Grand Island

Tuesday, July 23, 2002

Council Session

Item G12

#2002-213 - Approving Deferral of Assessments in Sanitary Sewer District #501(Freedom Drive) for Agricultural Property

City Council action is required to approve deferral of special assessments. The City Council created Sanitary Sewer District 501 on August 28, 2001. Chief Industries and Verna Schwarz are the owners of record of agricultural land within the District. The owners have requested that an agricultural use deferral be granted to them for assessments from Sanitary Sewer District 501. The properties are located along Stolley Park Road within an agricultural use zone and are used exclusively for agricultural purposes.

It is recommended that Council approve the requests for deferral of special assessments. During the time of the deferrals, no principal payments would come due, and no interest would accrue on the assessments. Assessment payments would begin when the properties are developed or no longer eligible for an agricultural use deferral.

Staff Contact: Steve Riehle, City Engineer/Public Works Director

Agricultural Use Deferral Sanitary Sewer District No. 501

- Chief Industries, Inc. The Easterly One Hundred Sixty Five (165.0) feet of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2, SW1/4, SE1/4) of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska.
- Chief Industries, Inc. All that part of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE1/4, SE1/4, SE1/4) that lies north and west of the tracts deeded to the State of Nebraska, said Deeds recorded in Book 136, Page 235, in Book 136, Page 311 and in Book 136, Page 321 and located in Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska.
- Chief Industries, Inc. The West Half of the Southeast Quarter of the Southeast Quarter (W1/2, SE1/4, SE1/4) of Section Twenty Three (23), in Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska.
- Chief Industries, Inc. A tract of land comprising a part of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4) of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows:
- Beginning at a point on the west line of said Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4) said point being on the U.S. Highway 30 right-of-way line and also being One Hundred Sixty and Three Tenths (160.3) feet north of the southwest corner of said Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4); thence deflecting right from said west line 72°53' and running northeasterly along said right-of-way line a distance of Fifty Two and Nine Tenths (52.9) feet; thence continuing Northeasterly on said right-of-way line on a 2,784.79 foot radius curve to the left (initial tangent of which forms an angle of 49°27' left from the last described course) a distance of Three Hundred Thirty Seven and One Tenth (337.1) feet to a point on tangency; thence continuing northeasterly tangent along said right-of-way line a distance of One Hundred Seventy Four and Three Tenths (174.3) feet to a point on the north line of said Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4); thence running westerly along the north line of said Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4) a distance of Two Hundred Fifteen and Fifty Five Hundredths (215.55) feet to the northwest corner of said Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4); thence running southerly along the west line of said Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4, SE1/4) a distance of Five Hundred Three and Thirty Seven Hundredths (503.37) feet to the point of beginning.

Verna Schwartz

Part of the Northeast Quarter (NE1/4) of Section Twenty Six (26), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in Hall County, Nebraska; more particularly described as follows:

Beginning at the northwest corner of Schuele Subdivision; thence southwesterly to a point Two Hundred Thirty Three (233.0) feet south of the north line of Section Twenty Six (26), Township Eleven (11) Range Ten (10) West; thence west to a point Two Hundred Seventy Three (273.0) feet south of the southeast corner of Lot One (1), Freedom Acres Subdivision; thence north Two Hundred Thirty Three (233.0) feet to the north line of Section Twenty Six (26), Township Eleven (11) North, Range Ten (10) West; thence east to the point of beginning.

RESOLUTION 2002-213

WHEREAS, on August 28, 2001, by Ordinance No. 8688, the City of Grand Island created Sanitary Sewer District No. 501; and

WHEREAS, such district included land adjacent to the City, some of which was and continues to be, within an agricultural use zone and is used exclusively for agricultural use; and

WHEREAS, two property owners located within Sanitary Sewer District No. 501 have requested agricultural deferral of special assessments for Sanitary Sewer District No. 501 due to the land being used exclusively for agricultural purposes; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The special assessments to be levied under Sanitary Sewer District No. 501 upon the tracts of land described in Exhibit "A" attached hereto shall be deferred until terminated in accordance with Neb. Rev. Stat. §19-2430.
2. That during said deferral, no principal payments shall become due and no interest shall accrue upon the assessment.
3. That the special assessment shall be divisible upon a pro rata basis of the original assessment in the event a portion of the land shall no longer be eligible for deferral.
4. That upon termination of deferral, the principal amount of the special assessment shall be amortized over a term of ten years from that date. The first such installment shall become delinquent in fifty days after termination of deferral. Each installment except the first shall draw interest at seven percent (7%) per annum from and after the date of termination of deferral until the same shall become delinquent. Delinquent installments shall draw interest at fourteen percent (14%) per annum.

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Adopted by the City Council of the City of Grand Island, Nebraska on July 23, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ July 19, 2002 ? City Attorney
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July 19, 2002 ? City Attorney