



City of Grand Island

Tuesday, August 13, 2002

Council Session

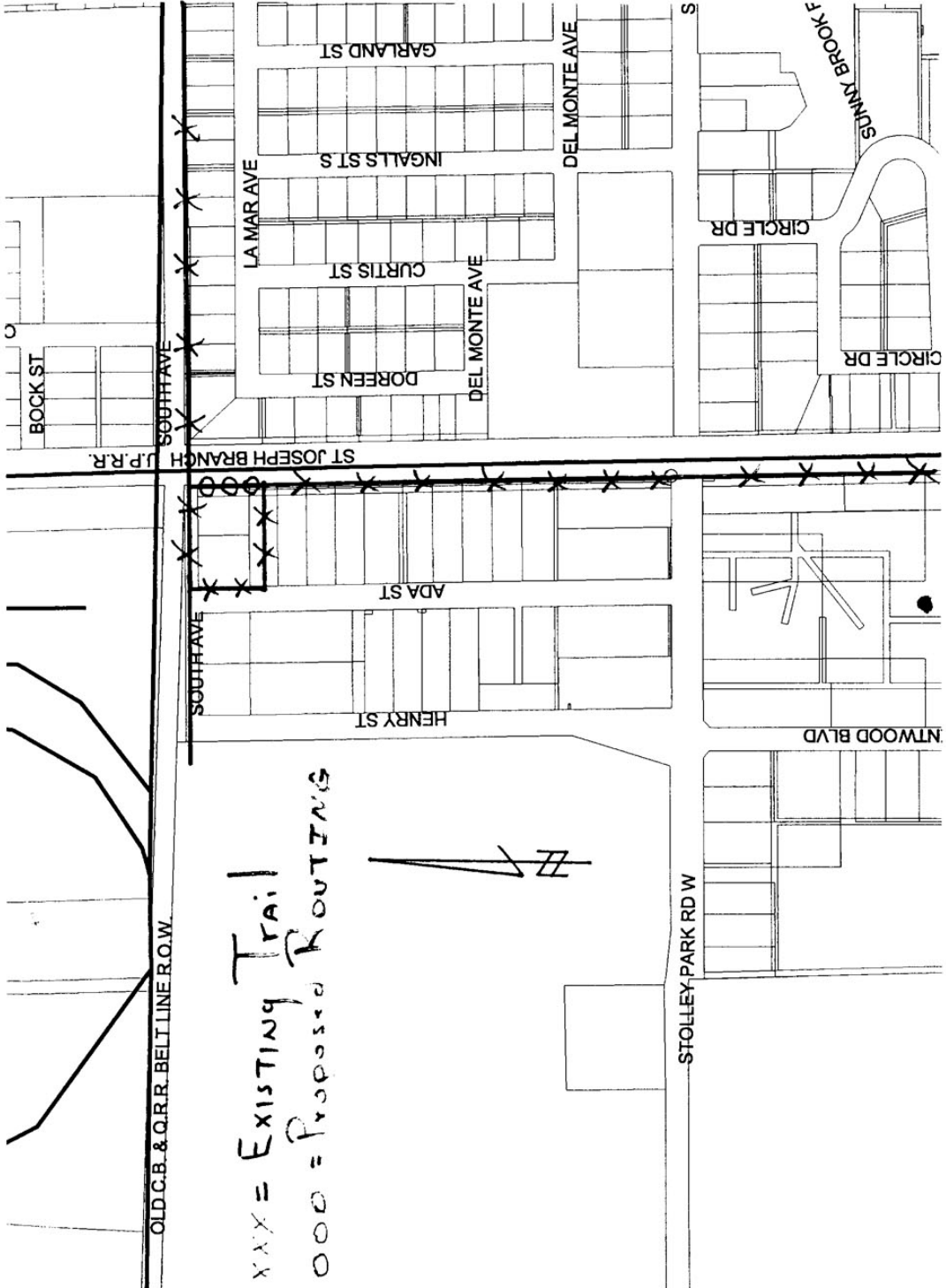
Item E6

Public Hearing on Acquisition of Right of Way for Hike/Bike Trail Adjacent to St. Joe Railroad Tracks

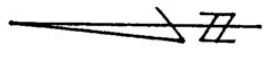
When the City built the hike/bike trail along the St. Joe line from the former Beltline to Stolley Park Road, the trail was constructed around, rather than across the John and Roccene Baasch property for several reasons. Mr. Baasch was active with his hobby of restoring horse drawn wagons and was pasturing his horses on the St. Joe Line right of way by virtue of a lease from the Union Pacific Railroad Company. Building the trail would have involved inconveniencing Mr. Baasch and trail users in order to provide access across the trail to the pasture for the horses. Mr. Baasch thought trail users might bother his horses and was concerned about the impact of the trail on his property. The City had initially sought to place the trail on the east or west side of the St. Joe Line right of way, but found that the UPRR opposed this type of usage as a matter of corporate policy and would litigate any acquisition of hike/bike trail ROW. In order to build the trail with the least disruption, the City obtained permission to run the trail across the parking lot of the Jan Thayer development to the south of the Baasch property and built around the north and west side of the Baasch property. The trail constructed on the west side of the Baasch property eliminated a requirement that they build a sidewalk at that location. In the course of extensive discussions with the UPRR about the trail, the St. Joe Line crossing and the routing around the Baasch property, we were informed by the UPRR that the pasture lease would expire in "a couple of years". City staff noted that the horses were no longer being pastured on the ROW this past spring. At about this same time Mrs. Thayer asked whether the City would consider moving the trail onto the Baasch property because her tenants were complaining about the traffic through the parking area. Not long thereafter Mr. Baasch passed away. In July Steve Paustian and the City Attorney separately contacted Baasch family members to inquire whether there was a willingness to discuss selling the City an easement for the hike/bike trail previously discussed. A suggestion was made that we might again approach the UPRR because the horse pasture would no longer be used. Although we responded that this was not likely to happen, we contacted the current local property manager for the UPRR and asked (1) if the pasture lease was ended, (2) if so, if we could have this confirmed in writing, and (3) whether a ROW lease for a trail was possible. The UPRR replied in the affirmative to the first two questions and in the negative to the last. The confirmation which was received from the UPRR stated that the lease was terminated at the City's request. This in fact was not that case. Our most recent contact with the Baasch family indicates that a voluntary acquisition is not likely and that an action in eminent domain will be required to obtain this right of way. The Baasch property is currently subject to two easements along the east side, including an 11 foot easement for storm water sewer and a 20 foot sanitary sewer easement. The proposed 16 foot hike/bike trail easement would line up with the existing trail to the south and will lie on the existing easements. We are requesting permission to acquire

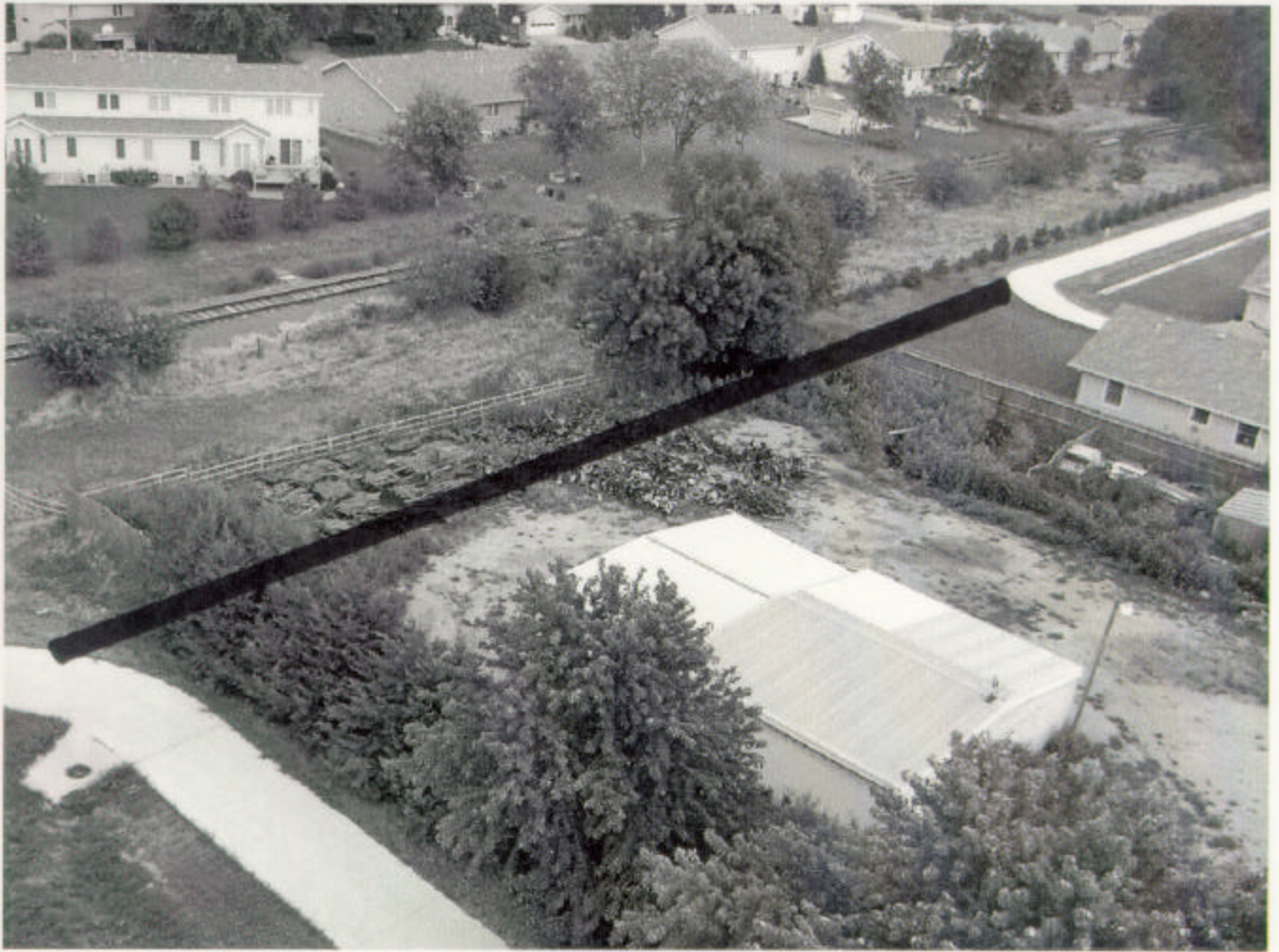
the hike/bike trail easement by voluntary negotiations if possible, or by condemnation if necessary.

Staff Contact: Charlie Cuypers



XXX = Existing Trail
 OOO = Proposed ROUTING





— PROPOSED ROUTING