



City of Grand Island

Tuesday, March 18, 2003

Council Session

Item F1

#8796 - Consideration of Conveyance of Easement to the Hall County Airport Authority

In June 1970 the City of Grand Island conveyed the real estate on which the municipal airport was located to Hall County. It was the intention of the City at that time to convey all of the property at the airport to Hall County. It has recently been discovered that the City had an easement for a strip of real estate on which a railroad spur is located that was not transferred to Hall County. The Hall County Airport Authority now has full and exclusive jurisdiction and control over the airport property.

To complete the transfer of all of the City's interest in the real property at the former Municipal Airport and to avoid the expense of maintaining the railroad right-of-way, Council authorization is being sought for a transfer of this railroad right-of-way to the Hall County Airport Authority by assigning all of the City's interest in these premises.

Staff Contact: Doug Walker

ORDINANCE NO. 8796

An ordinance directing and authorizing the conveyance and assignment of an easement to the Hall County Airport Authority; providing for the giving of notice of such conveyance and assignment and the terms thereof; providing for the right to file a remonstrance against such conveyance; providing for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. The conveyance and assignment to THE HALL COUNTY AIRPORT AUTHORITY, a body corporate and politic, constituting a public corporation and an agency of Hall County, Nebraska, of all of the interest of the City of Grand Island in and to a perpetual easement for the purpose of constructing, operating, maintaining, repairing, patrolling and removing a railroad line, in, over and across a tract of land lying in the Southeast Quarter of the Southwest Quarter (SE1/4, SW1/4) of Section Twenty Seven (27), Township Twelve (12) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of said SE1/4 SW1/4, said point being One Hundred Fifty-One (151.0) feet South of the Northeast corner of said SE1/4 SW1/4; thence continuing Southerly along said East line of the SE1/4 SW1/4, a distance of One Hundred (100.0) feet; thence Westerly perpendicular to said East line of the SE1/4 SW1/4, a distance of Five Hundred Ninety-One and Seventy-Two Hundredths (591.72) feet, to a point of curvature; thence Southwesterly along the arc of a curve whose radius is 714.49 feet (initial tangent of which coincides with the last described course), an arc distance of One Thousand One Hundred Fifty-Seven and Eighty-Three Hundredths (1,157.83) feet, to the intersection with the Easterly right-of-way line of the Union Pacific Railroad; thence Northerly along said Easterly railroad right-of-way line, to the intersection with a line One Hundred (100.00) feet Northwesterly from and parallel to the afore-described curve; thence Northeasterly along the arc of a curve whose radius is Eight Hundred Fourteen and Forty-Nine Hundredths (814.49) feet, (also being on a line One Hundred (100.00) feet Northwesterly from and parallel to the afore-

ORDINANCE NO. 8796 (Cont.)

described curve), to a point which is One Hundred Fifty-One (151.0) feet south of the Northeast corner of said SE1/4 SW1/4 and Five Hundred Ninety-One and Seventy-Two Hundredths (591.72) feet west at right angles to the East line of said SE1/4 SW1/4; thence Easterly perpendicular to said East line of the SE1/4 SW1/4, a distance of Five Hundred Ninety-One and Seventy-Two Hundredths (591.72) feet to the place of beginning, containing 3.64 acres more or less,

Being part of the same property described in the Deed of Easement dated December 13, 1943 from William Buckow to the United States of America and recorded in the Register of Deeds office, Hall County, Nebraska, in Book 86 of Deeds at Page 363 and part of the same property as described in the Quitclaim Deed dated October 13, 1948 from the United States of America to the City of Grand Island and recorded in the Register of Deeds office, Hall County, Nebraska in Book 96 of Deeds at Page 197.

SECTION 2. Conveyance of the easement above described shall be by Assignment of Easement.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish said notice.

SECTION 6. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance and assignment of such within described easement; and if a remonstrance against such conveyance signed by registered voters of the City of Grand Island equal in number to thirty percent of the registered voters of the City of Grand Island voting at the last regular municipal election held in such City be filed with the City Council within thirty days of passage and publication of such ordinance, said easement shall not then, nor within one year thereafter, be conveyed.

ORDINANCE NO. 8796 (Cont.)

SECTION 7. The conveyance and assignment of said easement is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor shall make, execute and deliver to The Hall County Airport Authority, a body corporate and politic, constituting a public corporation and an agency of Hall County, Nebraska, an Assignment of Easement for said property, and the execution of such Assignment of Easement is hereby authorized without further action on behalf of the City Council.

SECTION 8. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 18, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk