



City of Grand Island

Tuesday, July 22, 2003

Council Session

Item G2

Receipt of Official Document - Tort Claim Filed by Tim and Mary Arends

Receipt of Official Document - Tort Claim Filed by Tim and Mary Arends. See attached CLAIM.

Staff Contact: RaNae Edwards

NOTICE OF TORT CLAIM

TO: City Clerk and City Council of Grand Island, Nebraska:

Mary Arends and Tim Arends, husband and wife, and owners of the following described real estate:



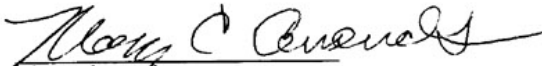
A tract of land located in the Northeast Quarter (NE1/4) of Section Fourteen (14), in Township Eleven (11) North, Range Nine (9) West of the 6th P.M., described as follows: Beginning at a point on the East Section line of said Section Fourteen said point being 66.0 feet North of the Southeast corner of the Northeast Quarter (NE1/4) of said Section 14; thence North along and upon the East line of said Section 14, a distance of 833.93 feet; thence deflecting left 131°30' and running Southwesterly a distance of 900.86 feet; thence deflecting left 48°30' and running South and parallel to the East Section line a distance of 232.62 feet to a point 66.0 feet North of the South line of the Northeast Quarter (NE1/4) of said Section 14; thence deflecting left 89°37' and running Easterly and parallel to the South line of the Northeast Quarter (NE1/4) of said Section 14 a distance of 674.72 feet to the point of beginning,


AND

A tract of land located in the Northeast Quarter (NE1/4) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska, being more particularly described as follows: with reference to the Southeast corner of said NE1/4; thence Northerly on the East line of said NE1/4 on an assumed bearing of N 00°00'00" E for 899.93 feet to the point of beginning; thence continuing on aforesaid line for 20.00 feet; thence S 48°34'51" W for 899.72 feet; thence S 3°00" W parallel with the East line of said NE1/4 for 20.00 feet; thence running N 48°34'51" E for 899.72 feet to the point of beginning,

hereby make a claim against the City of Grand Island, Nebraska, pursuant to 13-901, et. seq., commonly called the Political Subdivisions Tort Claims Act, for damages incurred to their property, both real and personal, and to themselves personally, in the sum of \$500,000.00 as a result of the actions of the City of Grand Island. The basis of the claim is the damage caused to the real estate, personal property, and to them personally as a result of the release of effluent waters from the Waste Water Treatment Plant onto the real estate owned by said claimants, including a lake on their property. As a result of the discharge of the waters from said Waste Water Treatment Plant, the lake has become filled with algae and other growth, making it unusable for wildlife and fish as well as being unsafe for human use, all to the great loss of said claimants, which loss includes, but is not limited to, diminution of the value of their real estate, injuries to personal property and to themselves, now and into the future.

Please advise of your decision on this claim.


Mary Arends


Tim Arends

1999-1/70082

CC: Legal
Admin
PW

7-3-03