



# City of Grand Island

Tuesday, January 27, 2004

## Council Session

### Item I1

#### **#2004-22 - Approving Memorandum of Understanding Regarding Moores Creek Drainway Property, Wal-Mart Site South of State Street**

*Walmart is interested in locating a Walmart Supercenter on property south of State Street and west of the Comfort Inn on the west side of Highway 281. Walmart is requesting an MOU from the City to ascertain whether the City is willing to enter into a license agreement that would permit Walmart to develop City Easements and right of way next to their property. The development of the City property would be necessary for adequate parking and access to the new Supercenter building.*

*City staff is concerned about this location and Walmart's request to use City easements and right of way for the following reasons:*

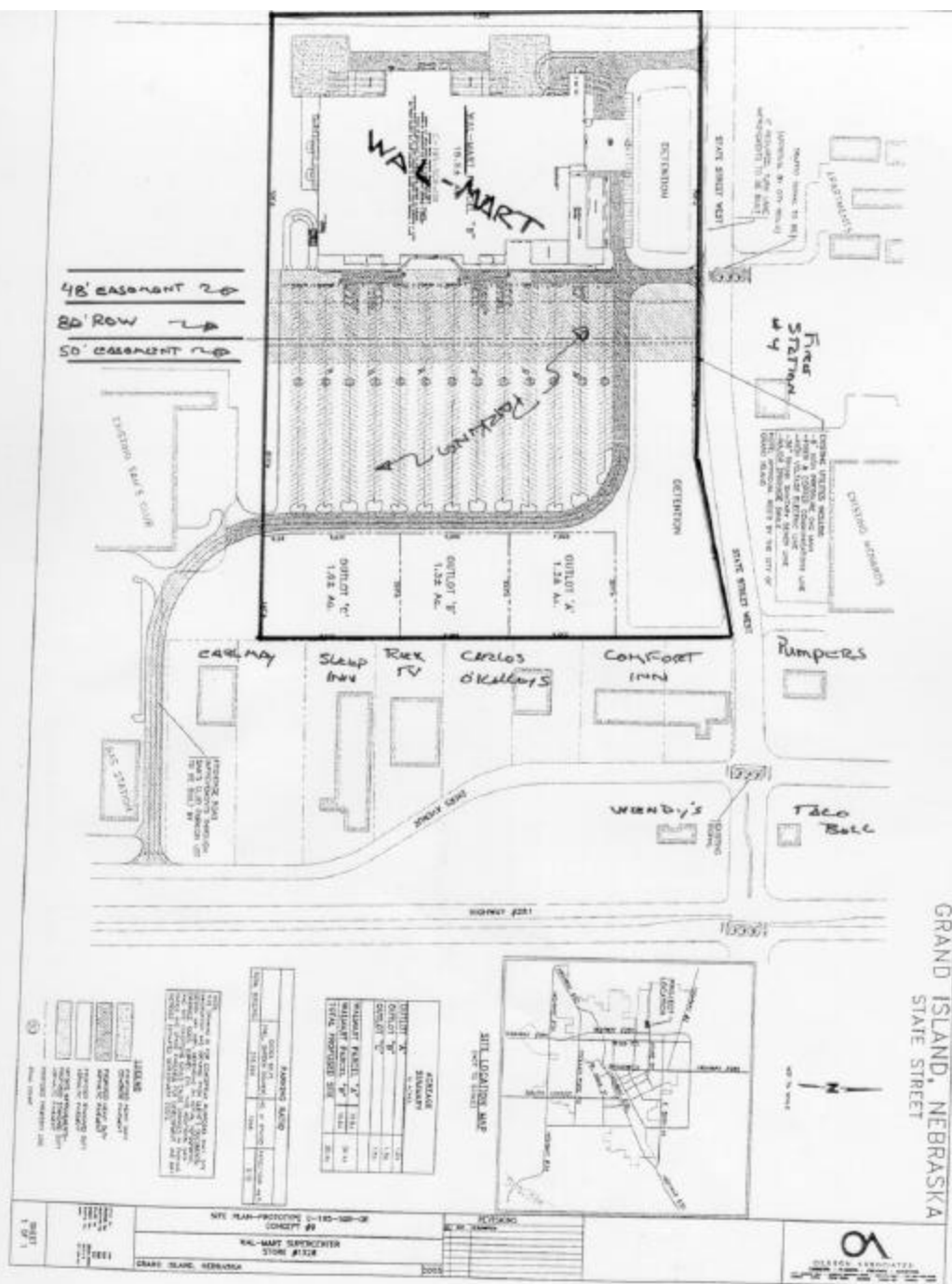
- 1)The Walmart development plan would require enclosing the Moores Creek Drainway in a box  
culvert approximately 850 feet in length. The culvert would be covered by the parking lot and driveway and would be difficult to access for maintenance;*
- 2)Access to the Supercenter building would be under a power line which is in front of the proposed store creating some possible public safety and maintenance concerns;*
- 3)Current plans include a hike/bike trail through the area proposed for development. The hike/bike trail would; therefore, have to be relocated;*
- 4)The Supercenter would be across the street from fire station #4 which creates potential traffic problems that may delay response to fires and accidents from this fire station;*
- 5)State street would need to be widened to accommodate the additional traffic to the new store;*
- 6)The proposed Supercenter would be located west of the Moores Creek Drainway in an area that was intended for residential development;*
- 7)A sanitary Sewer main would be covered by the parking lot creating potential concerns about maintenance.*

*If the City Council decides to approve the MOU this will indicate the City's willingness to permit planning and development of this site to continue. If the Council decides to reject the proposed MOU then Walmart will not be able to develop this store site as currently proposed.*

Staff Contact: Doug Walker



**SITE LOCATION MAP**  
(NOT TO SCALE)



RESOLUTION 2004-22

WHEREAS, Wal-Mart, Inc. (hereinafter "Walmart") has announced plans to construct a Walmart SuperCenter retail store to be located south of State Street and west of U.S. Highway 281; and

WHEREAS, the City owns a 100-foot wide drainage ditch adjacent to such land being considered for the construction of such store; and

WHEREAS, Walmart has requested a perpetual, exclusive license for unencumbered use of the City's land for Walmart's benefits, and the benefits of its successors and assigns; and

WHEREAS, a Memorandum of Understanding has been reviewed and approved by the City Attorney setting out the intentions of both parties to negotiate in good faith for a License Agreement to allow Walmart private use of the City's land.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Memorandum of Understanding between the City of Grand Island, Wal-Mart Real Estate Business Trust, a Delaware statutory trust, and Wal-Mart Stores, Inc., a Delaware corporation, is hereby approved in accordance with the issues set out above.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such Memorandum of Understanding on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2004.

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RaNae Edwards, City Clerk