



# City of Grand Island

Tuesday, March 09, 2004

Council Session

## Item G15

**#2004-45 - Approving Acquisition & Condemnation of Property  
Along South Locust Street Between Stolley Park Road and Fonner  
Park Road**

*This item refers to the aforementioned Public Hearing, Item E-4.*

Staff Contact: Steven P. Riehle, P.E., Director of Public Works

RESOLUTION 2004-45

WHEREAS, on April 8, 2003, by Resolution 2003-92, the City Council of the City of Grand Island approved the acquisition of property along South Locust Street between Stolley Park Road and Fonner Park Road for right-of-way purposes; and

WHEREAS, on April 8, 2003, by Resolution 2003-93, the City Council of the City of Grand Island approved the acquisition of property along South Locust Street between Stolley Park Road and Fonner Park Road for permanent utility easements; and

WHEREAS, on April 8, 2003, by Resolution 2003-94, the City Council of the City of Grand Island approved the acquisition of property along South Locust Street between Stolley Park Road and Fonner Park Road for landscaping easements; and

WHEREAS, on April 8, 2003, by Resolution 2003-95, the City Council of the City of Grand Island approved the acquisition of property along South Locust Street between Stolley Park Road and Fonner Park Road for ingress and egress purposes; and

WHEREAS, a public hearing was held on April 8, 2003 for the purpose of discussing the acquisition of property for the purposes set out above; and

WHEREAS, on April 8, 2003, the City Council authorized the City Attorney to commence condemnation proceedings on behalf of the City of Grand Island to acquire property for right-of-way and permanent utility easements if successful negotiations were not possible; and

WHEREAS, although city officials continue to negotiate with the affected property owners for the acquisition of such property for right-of-way and permanent utility easements, negotiations with some property owners have not been successful, necessitating the need to commence condemnation proceedings as authorized in Resolution 2003-92 and Resolution 2003-93; and

WHEREAS, it is recommended that the City Attorney also be authorized to commence condemnation proceedings on behalf of the City of Grand Island to acquire property previously identified in Resolution 2003-95 for acquisition for ingress/egress purposes for this project if such acquisition cannot be successfully negotiated; and

WHEREAS, it is recommended that additional property as described in Exhibit "A" attached hereto be acquired as landscaping easements, temporary construction easements, permanent utility easements, and right-of-way which will be consistent with property previously approved in Resolutions 2003-92, 2003-93, and 2003-94 for acquisition for this project; and

WHEREAS, a public hearing was held on March 9, 2004, for the purpose of discussing the acquisition of the remaining properties required for landscaping easements, temporary construction easements, permanent utility easements, and right-of-way as set out in Exhibit "A" attached hereto and

Approved as to Form	☐ _____
March 5, 2004	☐ City Attorney

incorporated herein by reference.

WHEREAS, it is recommended that the City Attorney be authorized to commence condemnation proceedings on behalf of the City of Grand Island to acquire the property described in Exhibit "A" for purposes of right-of-way, temporary construction easements, and permanent utility easements for this project if such acquisition cannot be successfully negotiated.

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

1. The City of Grand Island is hereby authorized to acquire the tracts of land as described on Exhibit "A" attached hereto, located along South Locust Street between Stolley Park Road and Fonner Park Road for landscaping, right-of-way, temporary construction easements, and permanent utility purposes, as noted thereon.

2. If successful negotiations for the acquisition of property along South Locust Street between Stolley Park Road and Fonner Park Road as authorized in Resolution 2003-95 for ingress/egress purposes are not possible, the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire such property for ingress/egress purposes.

3. If successful negotiations for the acquisition of property described in Exhibit "A" for temporary construction easements, permanent utility easement and right-of-way purposes cannot be accomplished, the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire such property.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 9, 2004.

---

RaNae Edwards, City Clerk

## Exhibit "A"

### Acquisition of Property Along South Locust Street

<p>U-Haul Real Estate Co.</p> <p>Tract No. 10-A</p> <p>Landscaping Easement</p>	<p>A landscaping easement being part of the Southeast Quarter (SE1/4) of Section 21, Township 11 North, Range 9 West of the 6th P.M., City of Grand Island, Hall County, Nebraska and more particularly described as follows:</p> <p>Commencing at the southeast corner of a tract of land, recorded as Exhibit "A", Document Number 89-104826, filed September 11, 1989, Hall County Register of Deeds; thence on an assumed bearing of S89°32'35"W along the south line of said tract of land a distance of 6.65 feet to the Point of Beginning; thence continuing S89°32'35"W a distance of 23.15 feet; thence N00°45'22"W a distance of 66.08 feet; thence N89°07'57"E a distance of 9.91 feet; thence N01°08'45"W a distance of 24.64 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 105°32'54", a arc length of 9.21 feet, a radius of 5.00 feet and a chord bearing N51°37'42"E for a distance of 7.96 feet to a point of continued curvature; thence around a curve in a clockwise direction having a delta angle of 16°06'39", a arc length of 7.03 feet, a radius of 25.00 feet and a chord bearing S67°32'31"E for a distance of 7.01 feet; thence S01°09'33"E a distance of 92.95 feet to the point of beginning. Said landscaping easement contains 1880.09 square feet more or less.</p>
<p>U-Haul Real Estate Co.</p> <p>Tract No. 10-B</p> <p>Landscaping Easement</p>	<p>A landscaping easement being part of the Southeast Quarter (SE1/4) of Section 21, Township 11 North, Range 9 West of the 6th P.M., City of Grand Island, Hall County, Nebraska and more particularly described as follows:</p> <p>Commencing at the northeast corner of a tract of land, recorded as Exhibit "A", Document Number 89-104826, filed September 11, 1989, Hall County Register of Deeds; thence on a assumed bearing of S89°22'03"W along the north line of said tract a distance of 7.01 feet to the Point of Beginning; thence S01°09'33"E a distance of 74.18 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 00°55'13", a arc length of 0.40 feet, a radius of 25.00 feet and a chord bearing S58°40'21"W for a distance of 0.40 feet to a point of continued curvature; thence around a curve in a clockwise direction having a delta angle of 120°00'00", a arc length of 10.47 feet, a radius of 5.00 feet and a chord bearing of N60°52'03"W for a distance of 8.66 feet; thence N00°52'03"W a distance of 52.61 feet; thence S88°29'11"W a distance of 15.50 feet; thence N00°57'04"W a distance of 8.10 feet; thence S89°40'30"W a distance of 29.02 feet; thence N01°07'36"W a distance of 9.44 feet to a point on the north line of said tract; thence N89°22'03"E along said north line a distance of</p>

	52.04 feet to the point of beginning. Said landscaping easement contains 1118.06 square feet more or less.
Neils McDermott  Tract No. 22  Landscaping Easement	A landscaping easement being part of Lot 1, Brownell Subdivision, City of Grand Island, Hall County, Nebraska and more particularly described as follows:  Commencing at the northwest corner of said Lot 1, Brownell Subdivision, thence on an assumed bearing of N89°43'18"E along the north line of said Lot 1 a distance of 5.10 feet to the Point of Beginning; thence continuing N89°43'18"E along said north line a distance of 18.59 feet; thence S01°06'27"E a distance of 50.12 feet; thence S89°37'37"W a distance of 18.59 feet; thence N01°06'27"W a distance of 50.15 feet to the point of beginning. Said permanent easement contains 931.83 square feet more or less.
Fontenelle Oil Company  Tract No. 19  Utility Easement	A permanent public utility easement being part of the Southeast Quarter (SE1/4) of Block Nine (9), Pleasant Home Subdivision, City of Grand Island, located in the Southeast Quarter (SE1/4) of Section 21, Township 11 North, Range 9 West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, and more particularly described as follows:  Commencing at the northeast corner of the SE1/4 of Block 9, Pleasant Home Subdivision; thence on an assumed bearing of S89°23'53"W along the north line of said SE1/4 of Block 9 a distance of 0.32 feet to the point of beginning; thence S01°08'45"E a distance of 131.76 feet; thence S16°35'51"W a distance of 8.53 feet to a point on the south line of said SE1/4 of Block 9; thence S89°17'15"W along said south line a distance of 2.55 feet; thence N20°06'25"E a distance of 8.70 feet; thence N01°08'45"W a distance of 131.78 feet to a point on the north line of said SE1/4 of Block 9; thence N89°23'53"E along said north line a distance of 2.00 feet to the point of beginning. Said tract contains a calculated area of 282.05 square feet or 0.0065 acres more or less.
Fontenelle Oil Company  Tract No. 19  Landscaping Easement	A landscaping easement being part of the Southeast Quarter (SE1/4) of Block 9, Pleasant Home Subdivision, City of Grand Island, Hall County, Nebraska, and more particularly described as follows:  Commencing at the northeast corner of said SE1/4, Block 9, Pleasant Home Subdivision; thence on an assumed bearing of S89°23'53"W along the north line of said SE1/4, Block 9 a distance of 0.32 feet to the point of beginning; thence S01°08'45"E a distance of 131.76 feet; thence S16°35'51"W 8.53 feet to a point on the south line of said SE1/4 of Block 9; thence S89°17'15"W along said south line a distance of 27.43 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 26°57'24", a arc length of 4.70 feet, a radius of 10.00 feet and a chord bearing N23°54'04"E for a distance of 4.66 feet; thence N37°22'46"E a distance of 41.83 feet; thence N01°08'45"W a distance of 102.76 feet to a point on the north line of said SE1/4 of Block 9; thence N89°23'53"E along said north line a

	distance of 2.00 feet to the point of beginning. Said landscaping easement contains 813.53 square feet more or less.
Fontenelle Oil Company  Tract No. 19  Right-of-Way	<p>A tract of land being part of the Southeast Quarter (SE1/4) of Block 9, Pleasant Home Subdivision, City of Grand Island, located in the Southeast Quarter (SE1/4) of Section 21, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M., Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the northeast corner of the SE1/4 of said Section 21; thence on an assumed bearing of S01°06'27"E along the east line of said SE1/4 a distance of 859.76 feet; thence S88°53'33"W and perpendicular to said east line a distance of 33.00 feet to a point being the intersection of the northeast corner of the SE1/4 of Block 9, Pleasant Home Subdivision and the west right-of-way (R.O.W.) line of South Locust Street, said point also being the point of beginning; thence S01°06'27"E along the west R.O.W. line of South Locust a distance of 139.91 feet to the southeast corner of the SE1/4 of Block 9, of said Pleasant Home Subdivision, said point also being on the north R.O.W. line of Hedde Street; thence S89°17'15"W along said north R.O.W. a distance of 2.83 feet; thence N16°35'51"E a distance of 8.53 feet; thence N01°08'45"W a distance of 131.76 feet to a point on the north line of said SE1/4 of Block 9, said point also being on the westerly R.O.W. line of South Locust Street; thence N89°23'53"E along said westerly R.O.W. line a distance of 0.32 feet to the point of beginning. Said tract contains a calculated area of 48.91 square feet or 0.0011 acres more or less.</p>
Neils McDermott  Tract No. 22  Temporary Construction Easement	<p>A Temporary Construction Easement located in Lot 1 of Brownell Subdivision in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the northwest corner of said Lot 1; thence on an assumed bearing of N89°43'18"E along the north line of said Lot 1 a distance of 7.10 feet to the Point of Beginning; thence continuing N89°43'18"E along said north line a distance of 52.05 feet; thence S00°20'06"E a distance of 24.93 feet; thence S14°15'18"E a distance of 25.97 feet to a point on the south line of said Lot 1; thence S89°37'37"W along said south line a distance of 44.83 feet; thence N01°06'27"W a distance of 50.15 feet to the point of beginning. Said Temporary Construction Easement contains 2508.43 square feet or 0.0576 acres more or less.</p>

<p>U-Haul Real Estate Co.</p> <p>Tract No. 10</p> <p>Temporary Construction Easement</p>	<p>A Temporary Construction Easement located in the Southeast Quarter (SE1/4) of Section 21, Township 11 North, Range 9 West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the southeast corner of a tract of land recorded as Exhibit "A", Document Number 89-104826, filed September 11, 1989, Hall County Register of Deeds, thence on an assumed bearing of S89°32'35"W along the south line of said tract of land a distance of 7.65 feet to the Point of Beginning; thence continuing S89E32'35"W a distance of 28.30 feet; thence N00E52'03"E a distance of 5.43 feet; thence N89E07'57"E a distance of 25.80 feet; thence N00E52'03"W a distance of 55.60 feet; thence S89E07'57"W a distance of 19.43 feet; thence N01E06'27"W a distance of 5.03 feet; thence S88E53'33"W a distance of 6.05 feet; thence N00E52'03"W a distance of 134.77 feet to a point on the north line of said tract; thence N89E22'03"E along said north line a distance of 26.97 feet; thence S01E09'33"E a distance of 200.89 feet to the point of beginning. Said Temporary Construction Easement contains 4,072.27 square feet or 0.0935 acres more or less.</p>
<p>Preferred Enterprises</p> <p>Tract No. 11</p> <p>Temporary Construction Easement</p>	<p>A Temporary Construction Easement located in Lot 2 of Fonner Fourth Subdivision in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the southwest corner of said Lot 2; thence on an assumed bearing of N89°18'18"E along the south line of said Lot 2 a distance of 7.03 feet to the Point of Beginning; thence N00°54'59"W a distance of 150.03 feet to a point on the north line of said Lot 2; thence N89°18'18"E along said north line a distance of 23.57 feet; thence S01°03'03"E a distance of 34.41 feet; thence S89°05'01"W a distance of 11.22 feet; thence S01°04'41"E a distance of 83.56 feet; thence N88°58'36"E a distance of 28.79 feet; thence S00°41'42"E a distance of 32.18 feet to a point on the south line of said Lot 2; thence S89°18'18"W along said south line a distance of 41.33 feet to the point of beginning. Said Temporary Construction Easement contains 3,188.82 square feet or 0.0732 acres more or less.</p>
<p>KWM Co.</p> <p>Tract No. 15</p> <p>Temporary Construction Easement</p>	<p>A Temporary Construction Easement located in the Southeast Quarter of Section 21, Township 11 North, Range 9 West of the 6th P.M., City of Grand Island, Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the northeast corner of Lot 1 of JNW Subdivision in the City of Grand Island, Hall County, Nebraska; thence S89°21'24"W along the north line of said Lot 1 a distance of 2.50 feet to the Point of Beginning; thence continuing S89°21'24"E along said north line a distance of 83.49 feet; thence N01°07'21"W a distance of 24.70 feet; thence N88°52'39"E a distance of 32.69 feet; thence N01°07'21"W a</p>

	<p>distance of 23.28 feet; thence N89°03'55"E a distance of 39.95 feet; thence N01°08'45"W a distance of 51.80 feet; thence S88°50'46"W a distance of 15.48 feet; thence N01°08'45"W a distance of 34.93 feet to a point on the south line of a tract of land described in Warranty Deed recorded as Document Number 96-108797, filed November 6, 1996, Hall County Register of Deeds; thence N89°20'50"E along said south line a distance of 28.95 feet; thence S01°05'06"E a distance of 86.40 feet; thence S88°54'54"W a distance of 2.50 feet; thence S01°05'06"E a distance of 48.63 feet to the point of beginning. Said Temporary Construction Easement contains 4,971.47 square feet or 0.1141 acres more or less.</p>
<p>Fontenelle Oil Company</p> <p>Tract No. 19</p> <p>Temporary Construction Easement</p>	<p>A Temporary Construction Easement located in the Southeast Quarter (SE1/4) of Block 9 of Pleasant Home Subdivision in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the southwest corner of said SE1/4, Block 9; thence on an assumed bearing of N89°17'15"E along the south line of said SE1/4 a distance of 91.72 feet to the Point of Beginning; thence N37E22'46"E a distance of 42.23 feet; thence N01E08'45"W a distance of 87.26 feet; thence S88E51'15"W a distance of 14.00 feet; thence N01E07'02"W a distance of 19.58 feet to a point on the north line of said SE1/4 of Block 9; thence N89E23'53"E along said north line a distance of 25.99 feet; thence S01E08'45"E a distance of 131.78 feet; thence S20E06'25"W a distance of 8.70 feet to a point on the south line of said SE1/4 of Block 9; thence S89E17'15"W along said south line a distance of 35.15 feet to the point of beginning. Said Temporary Construction Easement contains 2,376.44 square feet or 0.05 acres more or less.</p>
<p>Wiltgen Corp. II</p> <p>Tract No. 20</p> <p>Temporary Construction Easement</p>	<p>A Temporary Construction Easement located in Lot 6 of Kirkpatrick Subdivision in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the southeast corner of said Lot 6, said point also being the Point of Beginning; thence on an assumed bearing of S89°23'53"W along the south line of said Lot 6 a distance of 21.04 feet; thence N01°06'27"W a distance of 15.04 feet; thence N88°42'41"E a distance of 5.53 feet; thence N01°06'27"W a distance of 24.79 feet; thence S88°53'33"W a distance of 5.57 feet; thence N01°08'45"W a distance of 29.98 feet to a point on the north line of said Lot 6; thence N89°28'54"E along said north line a distance of 21.24 feet to the northeast corner of said Lot 6; thence S00°58'59"E along the east line of said Lot 6 a distance of 69.79 feet to the point of beginning. Said Temporary Construction Easement Contains 1,337.93 square feet or 0.0307 acres more or less.</p>



<p>Wiltgren Corp. II</p> <p>Tract No. 22</p> <p>Temporary Construction Easement</p>	<p>A Temporary Construction Easement located in Lot 5 of Kirkpatrick Subdivision in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:</p> <p>Commencing at the southeast corner of said Lot 5, said point also being the Point of Beginning; thence on an assumed bearing of S89°28'54"W along the south line of said Lot 5 a distance of 32.25 feet; thence N01°08'45"W a distance of 58.70 feet; thence S89°18'37"W a distance of 83.66 feet; thence N00°41'23"W a distance of 11.53 feet to a point on the north line of said Lot 5; thence N89°27'11"E along said north line a distance of 10.68 feet; thence S00°32'49"E a distance of 0.50 feet; thence N89°18'37"E a distance of 93.00 feet; thence S70°01'27"E a distance of 9.18 feet to a point on the east line of said Lot 5; thence S23°05'48"E along said east line a distance of 10.01 feet; thence S00°58'59"E continuing along said east line a distance of 57.30 feet to the point of beginning. Said Temporary Construction Easement contains 3,137.53 square feet or 0.0720 acres more or less.</p>
---	--