



City of Grand Island

Tuesday, April 13, 2004

Council Session

Item I1

#2004-87 - Approving Settlement Agreement and Acquisition of Property Located at 508 South Shady Bend Road (Jerry and Pamela Miller)

This item relates to the aforementioned Public Hearing Item E-4.

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

RESOLUTION 2004-87

WHEREAS, on May 2, 2003, Jerry and Pamela Miller, husband and wife, filed a lawsuit against the City of Grand Island in the District Court of Hall County, Nebraska, alleging that the discharge from the City's wastewater treatment facilities caused pollution to their property at 508 South Shady Bend Road; and

WHEREAS, negotiations to resolve such issues have been ongoing between the parties, and a potential settlement has been reached; and

WHEREAS, it is recommended that the City would pay to Jerry and Pamela Miller, the sum of \$200,000 in exchange for the conveyance of their property at 508 South Shady Bend Road property to the City by warranty deed for partial reimbursement for remediation expense and in complete settlement of all claims and legal issues between Jerry and Pamela Miller and the City of Grand Island; and

WHEREAS, a public hearing was held on April 13, 2004, for the purpose of discussing the proposed acquisition of property, legally described as follows:

All of the East 624 feet of Lot Two (2), Mainland, in the Southeast Quarter (SE1/4) of Section Fourteen (14), in Township Eleven (11) North, Range Nine (9) West of the 6th P.M., more particularly described as follows:

Beginning at the northeast corner of said Lot Two (2), running thence North 89°28' West along the North line of said lot a distance of 624 feet; running thence South parallel to the East line of said lot a distance of 1029 feet to the original government survey meander line on the North bank of the Platte River; running thence Northeasterly along the original government survey meander line (a broken line) 1157.6 feet to the original government survey meander corner on the East line of said lot; running thence North along the East line of said lot a distance of 66 feet to the place of beginning, containing 7.25 acres, more or less, as shown on the plat attached to the deed recorded in Book 87, Page 1, of the Deed Records of Hall County, Nebraska; and

WHEREAS, a letter agreement dated March 25, 2004, sets out the terms and conditions of such settlement terms, and has been reviewed and approved by the City Attorney; and

WHEREAS, the approval of such settlement terms will resolve all issues currently pending against the City by Jerry and Pamela Miller.

Approved as to Form ☐ _____
April 9, 2004 ☐ City Attorney

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the settlement agreement by and between the City and Jerry and Pamela Miller regarding the property located at 508 S. Shady Bend Road is hereby approved according to the terms set out in such agreement; and the Mayor is hereby authorized and directed to execute the agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 13, 2004.

RaNae Edwards, City Clerk