



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item F6

#8918 - Consideration of the Sale of Excess Right-of-Way to Menard Inc., Adjacent to the South Side of Menard's Property

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

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: June 22, 2004

Subject: Approving the Sale of Excess Right-of-Way to Menards Inc., Adjacent to the South Side of Menard's Property

Item #'s: F-6

Presenter(s): Steven P. Riehle, Director of Public Works

Background

Council approval is needed to sell excess Right-of-Way owned by the City of Grand Island. On September 23, 2003 the City Council approved a resolution authorizing the Mayor to sign the Agreement for Warranty Deed. The sale of the land has been delayed due to replatting of the area. The Menard Sixth Subdivision was filed with the register of deeds on June 4, 2004.

Discussion

The strip of land consists of approximately 12,026 square feet. It is located north of the trail along the north side of State Street and on the south side of the Menards store. Menard's Inc. has agreed to pay the City of Grand Island the appraised value of \$27,225.00 for the property.

A notice of the approval to sell the land will be published in the *Grand Island Independent*. A 30 day period is granted to the public to file a remonstrance. Signatures of thirty percent of the registered voters would be needed on the remonstrance in order to halt the conveyance of the land.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the sale of the excess Right-of-Way to Menard's Inc.

2. Disapprove or/Deny the sale of the excess Right-of-Way.
3. Modify the terms of the sale to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the ordinance.

Sample Motion

Move to approve the sale of the excess Right-of-Way.

ORDINANCE NO. 8918

An ordinance directing and authorizing the conveyance of property to Menard, Inc., a Wisconsin corporation; providing for the giving of notice of such conveyance 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 City of Grand Island shall convey to Menard, Inc., a Wisconsin corporation, subject to the requirements of Sections 2, 3, and 4 hereafter, a tract of land currently used as road right-of-way for State Street, which is now a part of Lot One (1) Menard Sixth Subdivision in the City of Grand Island, Hall County, Nebraska; more particularly described as follows:

Beginning at the southeast corner of said Lot One (1), said point also being on the northerly right-of-way line of State Street and a point on the north line of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West; thence running westerly along the southerly line of said Lot One (1), on an Assumed Bearing of N89°26'39"W, a distance of Seventy Nine and Fifteen Hundredths (79.15) feet, to the Actual Point of Beginning; thence running S80°38'19"W, along the southerly line of said Lot One (1), a distance of Three Hundred Forty Nine and Thirty Eight Hundredths (349.38) feet; thence running N44°57'02"W, along the southwesterly line of said Lot One (1), a distance of Fifty Nine and Ninety Six Hundredths (59.96) feet, to a point on the east line of Lot One (1), State Subdivision; thence running N00°00'00"E, along the east line of Lot One (1), State Subdivision and the west line of said Lot One (1), a distance of Eighteen and Fifteen Hundredths (18.15) feet, to a point on the north line of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West; thence running S89°26'39"E, along the north line of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West, a distance of Three Hundred Eighty Seven and Eleven Hundredths (387.11) feet, to the Actual Point of Beginning and containing 0.276 acres more or less.

ORDINANCE NO. 8918 (Cont.)

SECTION 2. The consideration for such conveyance shall be Twenty Seven Thousand Two Hundred Twenty Five Dollars (\$27,225.00). Conveyance of the real estate above described shall be by warranty deed, upon payment of the consideration pursuant to the terms and conditions of an Agreement for Warranty Deed between the parties.

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 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; 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 property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor shall make, execute and deliver to Menard, Inc., a Wisconsin corporation, a warranty deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

ORDINANCE NO. 8918 (Cont.)

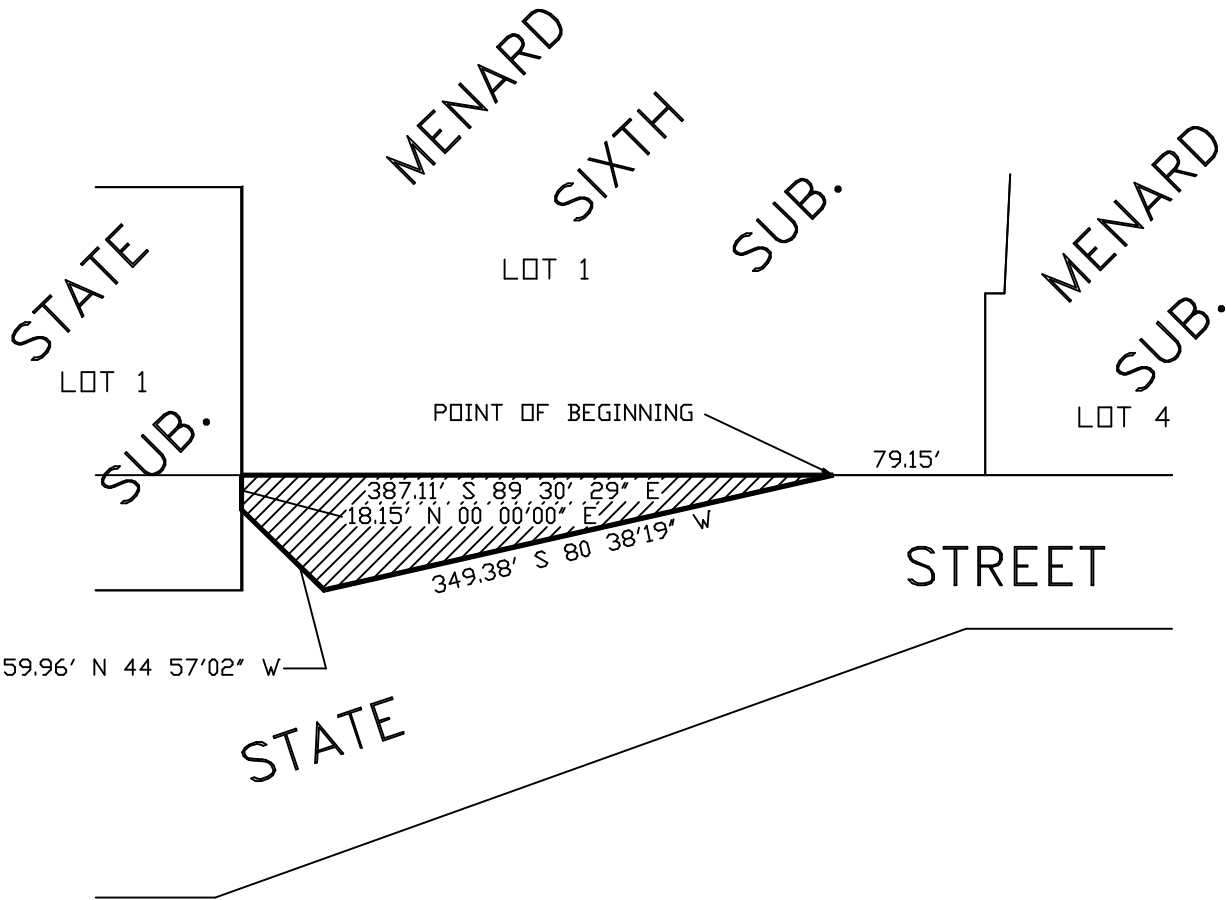
SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: June 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



AREA OF STATE STREET RIGHT-OF-WAY



EXHIBIT "A"

CITY OF
GRAND ISLAND
 PUBLIC WORKS DEPARTMENT

DATE: 6/16/04
 DRN BY: L.D.C.
 SCALE: 1"=100'

PLAT TO ACCOMPANY
 ORDINANCE NO. 8918