



City of Grand Island

Tuesday, September 14, 2004

Council Session

Item G16

**#2004-224 - Approving Acquisition of Real Estate Located at 414
S. Shady Bend Road (Timothy & Mary Arends)**

This item relates to the aforementioned Public Hearing Item E-5.

Staff Contact: Steve Riehle

RESOLUTION 2004-224

WHEREAS, on July 12, 2004, Timothy and Mary Arends, 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 414 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 Timothy and Mary Arends, the sum of \$205,000 in exchange for the conveyance of their property at 414 South Shady Bend Road by warranty deed and an additional \$35,000 for reimbursement of alleged damages, relocation expenses and for complete settlement of all claims and legal issues between Timothy and Mary Arends and the City of Grand Island; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of property, legally described as follows:

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. in Hall County, Nebraska, 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 N00°00'00"E for 899.93 feet to the point of beginning; thence continuing on aforesaid line for 20.00 feet; thence S48°34'51"W for 899.72 feet; thence S30°00'W parallel with the East line of said NE1/4 for 20.00 feet; thence running N48°34'51"E for 899.72 feet to the point of beginning; and

WHEREAS, a letter agreement dated August 20, 2004, sets out the terms and conditions

Approved as to Form	<input type="checkbox"/>	_____
September 9, 2004	<input type="checkbox"/>	City Attorney

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 Timothy and Mary Arends.

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 Timothy and Mary Arends regarding the property located at 414 South 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, September 14, 2004.

RaNae Edwards, City Clerk