



City of Grand Island

Tuesday, December 21, 2004

Council Session

Item F1

#8945 - Consideration of Conveyance of Portion of Vacated 16th Street

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: December 21, 2004

Subject: Conveyance of a Portion of Vacated 16th Street

Item #'s: F-1

Presenter(s): Douglas R. Walker, City Attorney

Background

The Grand Island City Council passed Ordinance No. 4876 on October 5, 1970, which vacated a portion of 16th Street, between Block 80 and Block 93 in Wheeler and Bennett's Fourth Addition to the City of Grand Island. The title to the vacated portion of 16th Street remained in the City of Grand Island. Ordinance No. 4977 was passed by the Grand Island City Council on February 8, 1971. This ordinance authorized the conveyance of the vacated portion of 16th Street to Robert R. Rector, Harold F. Hoppe, and W.F. Hoppe, Jr. for the amount of \$25.00. Said Ordinance No. 4977 also authorized the City Clerk to have a deed prepared for execution by the Mayor and for recording with the Hall County Register of Deeds Office to complete the transfer of the property. This deed was not prepared by the City Clerk and it was discovered in a recent title search for the new owners of the property on either side of the vacated portion of 16th Street that the deed had not been recorded.

Discussion

The City of Grand Island was recently contacted by Seldin Company, which is acting as agent for GI Venture, L.P., which is the new owner of lots 1 through 10, Block 80 and Lots 1 through 10, Block 93 in Wheeler and Bennett's Fourth Addition to the City of Grand Island. These lots in each of these blocks lie on either side of the vacated portion of 16th Street and it was intended that the vacated portion of 16th Street be conveyed to the current owners' predecessors in title. Apparently there was an inadvertent error on the part of the city in not completing the preparation of the deed so that it could be filed to complete the conveyance that was previously authorized by the City Council. Two of the three individuals who were to receive the conveyance in 1971 are now deceased. To correct the title to reflect that the vacated portion of 16th Street between Blocks 80 and 93 in Wheeler and Bennett's Fourth Addition to the City of Grand Island belongs to the

current owners, GI Venture, L.P. an ordinance is necessary approving the conveyance of this property to GI Venture, L.P.

Alternatives

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

1. Approve the ordinance authorizing the conveyance of the vacated portion of 16th Street to GI Venture, L.P.
2. Not approve the ordinance.
3. Not take any action on the ordinance.
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the ordinance conveying the vacated portion of 16th Street to GI Venture, L.P.

Sample Motion

Motion to suspend the requirement for three separate readings and a motion to approve the ordinance conveying the property to GI Venture, L.P.

ORDINANCE NO. 8945

An ordinance directing and authorizing the conveyance of property to GI Venture, L.P., a limited partnership; 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.

WHEREAS, on October 5, 1970, by Ordinance No. 4876, the City of Grand Island approved the vacation of a portion of 16th Street, from Vine Street to the Burlington Northern Railroad right-of-way; and

WHEREAS, on February 8, 1971, by Ordinance No. 4977, the City of Grand Island approved the conveyance of such vacated property to Robert R. Rector, Harold F. Hoppe, and W.F. Hoppe, Jr.; and

WHEREAS, due to an apparent oversight, the deed conveying such property was never executed or recorded with the Hall County Register of Deeds; and

WHEREAS, such property has changed ownership since the conveyance was originally authorized and approved in 1971; and

WHEREAS, the current owners of the property are interested in obtaining this property, and it is proper to convey the property to the current property owners under the same terms and conditions.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Approval is hereby granted for the conveyance to GI VENTURE, L.P., a limited partnership, of a part of Sixteenth Street vacated by Ordinance No. 4876. Such vacated street being eighty (80) feet in width, lying between Block 80 and Block 93 in Wheeler

ORDINANCE NO. 8945 (Cont.)

and Bennett's Fourth Addition to the City of Grand Island, Nebraska, from the easterly line of Vine Street in said City to a line joining the northeasterly corner of said Block 80 and the southeasterly corner of said Block 93, all being in the City of Grand Island, Hall County, Nebraska, containing 0.485 acres, more or less, as shown on the attached plat marked Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. The consideration for such conveyance shall be Twenty Five Dollars (\$25.00). Conveyance of the real estate above described shall be by quitclaim deed, subject to the restriction that no building shall be permitted on the premises but that the premises will be set aside as open space. The City of Grand Island shall not be required to furnish an abstract of title.

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.

ORDINANCE NO. 8945 (Cont.)

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 GI VENTURE, L.P., a limited partnership, a quitclaim deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

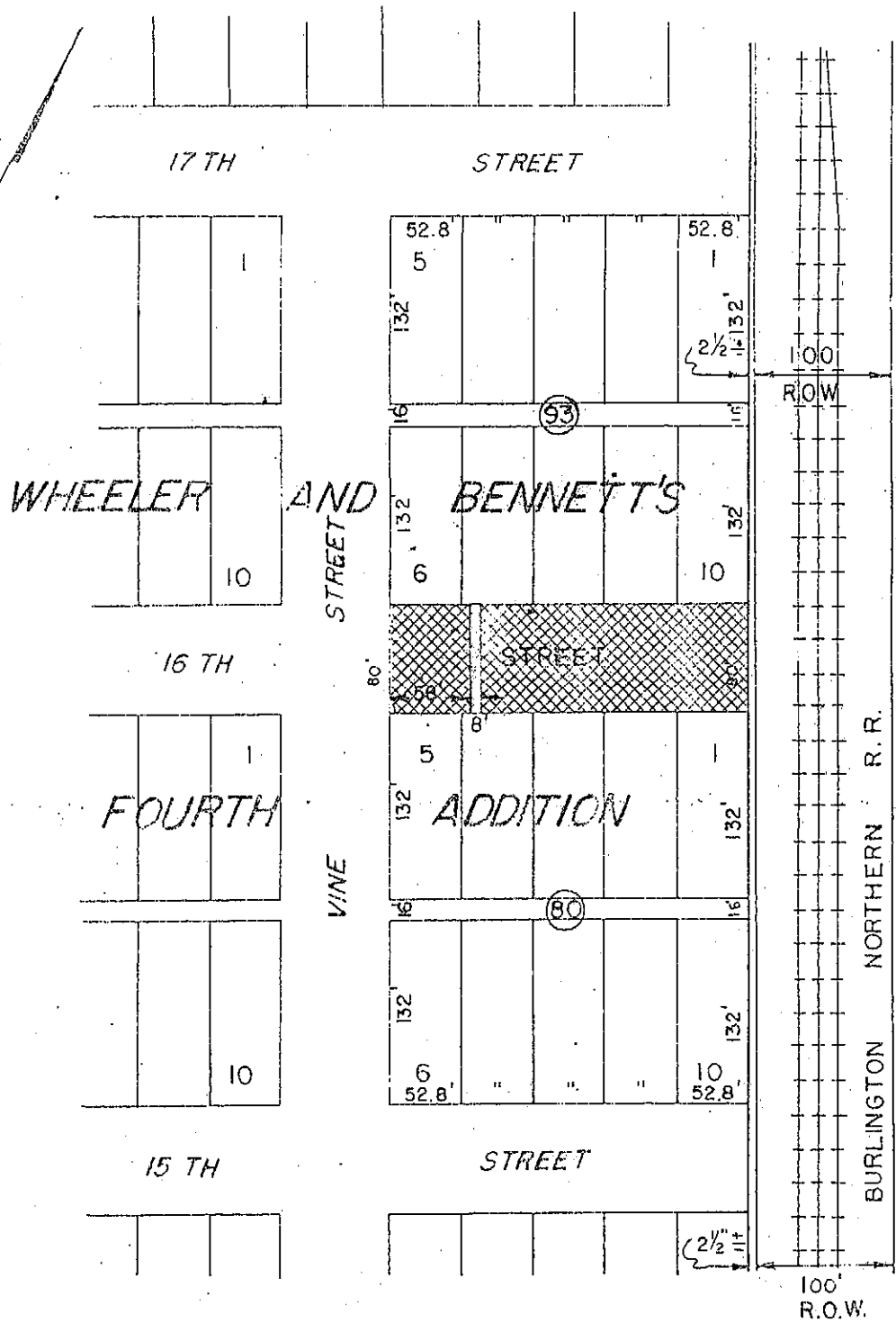
SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: December 21, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk





-  Vacated Street
-  PRIVATE LICENSE AGREEMENT

Exhibit A

CITY OF GRAND ISLAND, NEBRASKA ENGINEERING DEPARTMENT
PLAT TO ACCOMPANY ORDINANCE NO. 6698