



City of Grand Island

Tuesday, November 04, 2003

Council Session

Item G2

#2003-318 - Approving Agreement with Gladys V. Schoel Regarding Terms for Utility Easement Acquisition

Background:

The Public Works and Utility Departments have been working with Gladys Schoel on the terms of an agreement for acquisition of a utility easement to serve the Mary Lane and Kentish Hills area.

A Public Hearing is being held this evening. Council approval by resolution of the acquisition is also being requested this evening.

Discussion:

Gladys Schoel and the City have a few terms to the easement acquisition that need council approval.

Negotiations regarding the dollar amount of the acquisition are still occurring. Staff believes both parties can reach a satisfactory agreement on the dollar amount if the terms are agreed to.

The City Utility and Public Works Departments are seeking an easement to facilitate the installation of City Sewer service to the Marylane and Kentish Hills Subdivisions in the event that the residents of these subdivisions choose to permit the formation of a City Sewer District. Acquisition of this easement will also permit the water mains that will be installed in the Marylane and Kentish Hills Subdivisions to be looped to enhance the flow of water through these mains and the service to the residents of these areas. The property owner would receive monetary consideration as well as the right to tap into the City Water main for potable water service to her farmstead without being annexed into the City Limits. The property owner would also receive the benefit of being granted an agricultural deferral from sanitary sewer district assessments upon application with the City.

Recommendation:

Approval is recommended to facilitate the installation of public services to these areas of the City.

Financial Implications:

Minimal impact.

Alternatives:

As determined by Council.

Staff Contact: Doug Walker; Steve Riehle; Gary Mader

AGREEMENT

THIS AGREEMENT is entered into this ____ day of November, 2003, between the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation, hereinafter referred to as the City, and GLADYS V. SCHOEL, a single person, hereinafter referred to as "Schoel".

WITNESSETH:

WHEREAS, on October 28, 2003, the City approved the creation of Sanitary Sewer District No. 512 which encompasses a portion of Schoel's property; and

WHEREAS, on October 28, 2003, the City approved the creation of Water Extension District No. 445 adjacent to Schoel's property; and

WHEREAS, the City of Grand Island is interested in acquiring a permanent and perpetual utility easement along the west side of Schoel's property located in a part of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section Twenty Five (25), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska to facilitate the installation of Water Extension District No. 445 and Sanitary Sewer District No. 512; and

WHEREAS, Schoel has requested to tap into the City's water system to obtain potable water for her residence; and,

WHEREAS, Schoel has requested an agricultural deferment for assessments levied against the property in Sanitary Sewer District No. 512; and

WHEREAS, City has agreed to permit Schoel's farmstead to remain outside of the City limits until such time as it is subdivided for residential or commercial purposes in return for the permanent and perpetual utility easement.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Schoel agrees to grant the City a permanent and perpetual utility easement as described in Exhibit "A" attached hereto.

2. Schoel agrees to grant the City a temporary easement sixty feet (60') in width parallel and adjacent to the east side of the permanent and perpetual easement for construction purposes in the permanent easement.

3. As consideration for Schoel granting the permanent and perpetual utility easement, the City agrees to pay Schoel the sum of _____ Dollars (\$_____).

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Gladys V. Schoel

STATE OF NEBRASKA)
) SS.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003,
by Gladys V. Schoel, a single person.

Notary Public

RESOLUTION 2003-318

WHEREAS, a public utility easement and a temporary construction easement is required by the City of Grand Island, from Gladys V. Schoel, a widow, to facilitate the installation of Sanitary Sewer District No. 512 and Water Extension District No. 445; and

WHEREAS, Gladys V. Schoel has requested to tap into the City's water system to obtain potable water for her residence; and

WHEREAS, an agreement has been prepared by the City Attorney's office outlining the terms and conditions for the acquisition of such easements and to allow Gladys V. Schoel to tap into the City's water system.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement by and between the City and Gladys V. Schoel, a widow, for the City to obtain easements for the construction and installation of Water Extension District No. 445 and Sanitary Sewer District No. 512 on or adjacent to Gladys V. Schoel's property, and for Gladys V. Schoel to tap into the City's water main is hereby approved according to the terms and conditions of the agreement.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such 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, November 4, 2003.

RaNae Edwards, City Clerk