



City of Grand Island

Tuesday, January 11, 2005

Council Session

Item G14

**#2005-7 - Approving Drainage Agreement for High Voltage
Junction Box - 1708 N. Diers Avenue - James Martinez**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: January 11, 2005

Subject: Drainage Agreement for High Voltage Junction Box –
1708 N. Diers Avenue

Item #'s: G-14

Presenter(s): Gary R. Mader, Utilities Director

Background

The Electric Department infrastructure is normally one of the first permanent installations in new subdivisions. Developers and contractors need to have electric power available to support the construction of homes and commercial and industrial structures. In the case of underground electric service areas, the ground mounted transformers, cable pull stations, and switches are set based upon the elevation of platted streets or other references available at the time of installation. Subdivision agreements require development of drainage plans to protect adjacent properties and infrastructure as the platted lots are developed.

Discussion

The commercial lot at 1708 N. Diers Avenue is the last lot to be developed in the Toukan Subdivision in that area (an aerial photo is attached). The owner of the property proposes to develop only the front (east) half of the lot, leaving the back (west) half undeveloped for the time being. Electrical equipment serving the area is located in an easement at the back of the lot (west end) and storm drainage near the electrical equipment is not adversely affected by development and land elevation changes on the east end. The owner wished to postpone the development of the whole lot drainage plan until the back half is developed. The Electric Department has no objection to this proposal. But because this is somewhat out of the ordinary, the Utilities Department recommends that an agreement be executed, stating the conditions of the partial development and resulting partial drainage plan as related to protection of the electric infrastructure device located on the west side of the lot. A copy of the proposed Drainage Agreement is attached. The agreement has been reviewed by the City Legal Department and executed by the owner.

Alternatives

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

1. Make a motion to approve the Agreement

2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City staff recommends approval of the Drainage Agreement.

Sample Motion

Move to approve the Drainage Agreement for High Voltage Junction Box at 1708 N. Diers Avenue.



* This Space Reserved for Register of Deeds *

**DRAINAGE AGREEMENT
FOR HIGH VOLTAGE JUNCTION BOX**
Lot 2, Toukan Fourth Subdivision

WHEREAS, the Grand Island Utilities Department owns and operates a primary and secondary electrical distribution system located in an easement on the west side of Lot Two (2) Toukan Fourth Subdivision, in the City of Grand Island, Hall County, Nebraska.

WHEREAS, the high voltage junction box was placed in the easement to ensure the base was six inches (6") above the top of the curb along Diers Avenue to provide drainage from the easement to the storm sewer in Diers Avenue right-of-way.

WHEREAS, James Martinez, a single person, is owner of the property at 1708 North Diers Avenue, also referred to as Lot Two (2), Toukan Fourth Subdivision (hereinafter Owner), and is interested in developing such property.

In consideration of the City's need to maintain a fully operational primary and secondary electrical distribution system presently located in the above-identified easement, Owner agrees to the following terms and conditions:

- (1) Owner shall comply with all regulations with respect to the electrical supply.
- (2) In the event the west two hundred forty (240.0) feet of Lot Two (2) Toukan Fourth Subdivision is: (1) developed, (2) the existing grade is changed, (3) the drainage pattern is changed, (4) fill is added to increase the elevation or (5) the elevation is modified by the

installation of landscaping, parking or a building, the Owner shall provide drainage as approved by the City's Public Works Director from the high voltage junction box to the storm sewer line in Diers Avenue right-of-way or shall pay the total cost to the City of Grand Island Utilities Department to raise the high voltage junction box to an appropriate height to provide surface drainage to Diers Avenue right-of-way.

The owner hereby covenants that the above mentioned commitments herein stated shall run with the title of such tract of land and be binding to all successors and assigns.

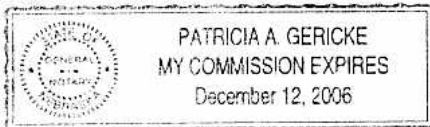
Dated 12-27-2004

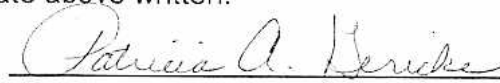

James Martinez

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this 27th day of December, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared: James Martinez, a single person, to me known personally to be the identical person who signed the foregoing, and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.




Notary Public

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: _____
Jay Vavricek, Mayor

Attest: _____
RaNae Edwards, City Clerk

STATE OF NEBRASKA)

COUNTY OF HALL

Before me, a notary public, qualified in said County personally came Jay Vavricek, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution 2005-____, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal on _____, 2005.

Notary Public

RESOLUTION 2005-7

WHEREAS, the Grand Island Utilities Department owns and operates a primary and secondary electrical distribution system located in an easement on the west side of Lot Two (2) Toukan Fourth Subdivision; and

WHEREAS, the high voltage junction box was installed with the base six inches above the top of the curb along Diers Avenue to provide drainage from the easement to the storm sewer in the Diers Avenue right-of-way; and

WHEREAS, James Martinez, the owner of Lot Two (2) Toukan Fourth Subdivision, is interested in developing such property; and

WHEREAS, it is imperative that the city's electrical equipment on the property be protected during any development on the property; and

WHEREAS, it is recommended that a Drainage Agreement be entered into between the owner and the city to ensure that any future development of the property will not cause damage to the city's equipment based on drainage to the Diers Avenue right-of-way; and

WHEREAS, a Drainage Agreement has been reviewed and approved by the Legal Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Drainage Agreement by and between the city and James A. Martinez, a single person, is hereby approved to protect city electrical equipment located in an easement on the west side of Lot Two (2) Toukan Fourth Subdivision during the development of such property.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such Drainage 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, January 11, 2005.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2005	☐ City Attorney