



# City of Grand Island

Tuesday, January 10, 2006

Council Session

## Item E2

**Public Hearing on Acquisition of 3.198 Acres of Land for  
Expansion of Recreation Trail Rights-of-Way Located at the  
Cornhusker Army Ammunition Plant in the SW1/4 of Section 11-  
11-11**

Staff Contact: Steve Paustian

# **Council Agenda Memo**

**From:** Steve Paustian, Parks and Recreation Director

**Meeting:** January 10, 2006

**Subject:** Right-of-Way Acquisition for Hike/Bike Trail Easement at the Former Cornhusker Army Ammunition Plant

**Item #'s:** E-2 & G-5

**Presenter(s):** Steve Paustian, Parks and Recreation Director

## **Background**

Over the past several years nearly 25 miles of trail easements have been acquired on the former Cornhusker Army Ammunition Plant (CAAP) site. These easements have been acquired as the various parcels of land have been auctioned off. The auctions held to date have sold off nearly all lands available for redevelopment.

## **Discussion**

The easement purchase request before the City Council represents one of the final easements to be acquired to complete the property acquisition necessary to allow for the construction of the trail network laid out for the former CAAP site. The easement consists of 3.198 acres at a cost of \$1,918.80. There are funds in the 40044450-90027 Miscellaneous Park Projects account to pay for this easement.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council purchase the easement offered by the Army Corp of Engineers.

## **Sample Motion**

Motion to purchase the easement offered by the Army Corp of Engineers for an amount of \$1,918.80.

**DEPARTMENT OF THE ARMY  
AMENDMENT NO. 4  
TO  
EASEMENT NO. DACA45-2-01-6078  
CORNHUSKER ARMY AMMUNITION PLANT  
HALL COUNTY, NEBRASKA**

**WHEREAS**, on the 30th day of May 2001, **CITY OF GRAND ISLAND**, a political subdivision of the State of Nebraska, hereinafter referred to as the grantee, was granted Easement No. DACA45-2-01-6078 in perpetuity for a right-of-way to plan, construct, maintain, repair and operate a public recreation trail, hereinafter referred to as the facilities, in, over, and upon certain lands of the United States; and

**WHEREAS**, said right-of-way covered only a portion of the planned recreation trail system located on the Cornhusker Army Ammunition Plant; and

**WHEREAS**, Amendment No. 1 granted the use of 40.57 acres, more or less, of additional land for extension of the recreation trail and added Condition No. 24; and

**WHEREAS**, Amendment No. 2 granted the use of 9.32 acres, more or less, of additional land for the further extension of the recreation trail; and

**WHEREAS**, Amendment No. 3 granted use of 13.51 acres, more or less, of additional land for still another extension of recreation trail; and

**WHEREAS**, the grantee has requested that the Department of the Army grant it additional right-of-way over Tract 21A at the locations identified in the planned recreation trail system located on the Cornhusker Army Ammunition Plant; and

**NOW THEREFORE**, effective 3 October 2005, in consideration of the premises, Easement No. DACA45-2-01-6078 is amended in the following particulars, but in no others:

- a. The granting clause, as amended, is further amended as follows:

The land described on Exhibit "E," attached hereto and made a part hereof, is added to the right-of-way.

- b. The following sentence is added to Condition No. 3:

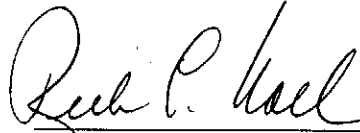
"For the additional right-of-way the grantee shall pay in advance to the United States an amount of **ONE THOUSAND NINE HUNDRED EIGHTEEN AND 80/100 DOLLARS (\$1,918.80)**, for the term hereof, payable as stated herein."

*Original*

*Encl 11*

**AMENDMENT NO. 4 TO  
EASEMENT NO. DACA45-2-01-6078  
CORNHUSKER ARMY AMMUNITION PLANT  
HALL COUNTY, NEBRASKA**

**IN WITNESS WHEREOF**, I have hereunto set my hand by authority of the Secretary of  
the Army, this 14<sup>th</sup> day of December, 2005.

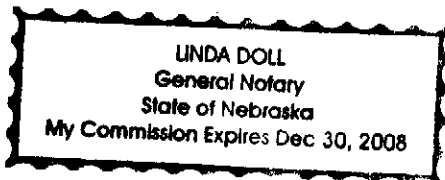


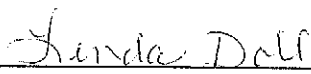
**RICK L. NOEL  
Chief, Civil Branch  
Real Estate Division  
Omaha District, Corps of Engineers**

STATE OF NEBRASKA   )  
  ) ss  
COUNTY OF DOUGLAS )

**BEFORE ME**, a Notary Public in and for the State of Nebraska, County of Douglas,  
personally appeared Rick L. Noel, to me known to be the identical person and officer whose  
name is subscribed to the forgoing instrument, and acknowledged to me that he executed the said  
instrument in the capacity therein stated for the purpose therein expressed as the act and deed of  
the United States of America.

**GIVEN** under my hand and seal, this 14<sup>th</sup> day of December, 2005.



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: Dec 30, 2008

**AMENDMENT NO. 4 TO  
EASEMENT NO. DACA45-2-01-6078  
CORNHUSKER ARMY AMMUNITION PLANT  
HALL COUNTY, NEBRASKA**

**THIS** Amendment No. 4 to EASEMENT No. DACA45-2-01-6078, together with all provisions and conditions thereof, is hereby accepted by the grantee this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**CITY OF GRAND ISLAND, NEBRASKA**

**BY:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**STATE OF NEBRASKA )  
  ) ss  
COUNTY OF HALL     )**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_.

**WITNESS MY HAND AND OFFICIAL SEAL.**

My Commission expires: \_\_\_\_\_

Notary Public  
  
\_\_\_\_\_

LEGAL DESCRIPTION FOR THIRTY (30.0) FOOT WIDE  
HIKE AND BIKE TRAIL EASEMENT SITUATED IN A PART OF THE SW1/4  
OF SECTION 11- T11N-R11W, HALL COUNTY, NEBRASKA  
(PROPOSED CAAP TRACT NO. 21A)

A tract of land comprising a part of the Southwest Quarter (SW1/4) of Section Eleven (11), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, said tract being more particularly described as follows:

First to ascertain the point of beginning, start at the northwest corner of said Southwest Quarter (SW1/4); thence running southerly, along and upon the west line of said Southwest Quarter (SW1/4), a distance of Two Hundred Seventy Three and Forty Eight Hundredths (273.48) feet to the southwest corner of a survey by Lee D. Wagner, L. S. No. 557, dated April 1, 2005, and referred to as "CAAP Tract No. 20A;" thence deflecting left  $103^{\circ}45'27''$  and running northeasterly, along and upon the south line of said "CAAP Tract No. 20A," a distance of Fifty One and Forty Eight Hundredths (51.48) feet to a point on the easterly right of way line of Schauppsville Road, said point being Fifty (50.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4), said point being the ACTUAL point of beginning; thence continuing northeasterly, along and upon the previously described course, a distance of Thirty and Eighty Nine Hundredths (30.89) feet to a point, said point being Eighty (80.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4); thence deflecting right  $103^{\circ}45'27''$  and running southerly, parallel with and Eighty (80.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4), a distance of Two Thousand Four Hundred Seven and Seventy Five Hundredths (2,407.75) feet to a point which is Sixty Three (63.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4); thence deflecting left  $90^{\circ}19'57''$  and running easterly, parallel with and Sixty Three (63.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4), a distance of Two Thousand Two Hundred Eight and Seventy Six Hundredths (2,208.76) feet to a point on the northerly prolongation of the east line of a survey by Lee D. Wagner, L. S. No. 557, dated August 28, 2001, and referred to as "CAAP Tract No. 31A;" thence deflecting right  $90^{\circ}24'45''$  and running southerly, along and upon the northerly prolongation of the east line of said "CAAP Tract No. 31A," a distance of Thirty (30.0) feet to a point on the northerly right of way line of 13th Street, said point being Thirty Three (33.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4); thence deflecting right  $89^{\circ}35'15''$  and running westerly, along and upon the northerly right of way line of said 13th Street, which is, Thirty Three (33.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4), a distance of Two Thousand Two Hundred Thirty Eight and Seventy Two Hundredths (2,238.72) feet to a point on the easterly right of way line of said Schauppsville Road, said point being Fifty (50.0) feet east of (measured perpendicular to) the west line of

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(PROPOSED CAAP TRACT NO. 21A)  
(CONTINUED)

said Southwest Quarter (SW1/4); thence deflecting right 90°19'57" and running northerly, along and upon the easterly right of way line of said Schauppsville Road, which is, Fifty (50.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4), a distance of Two Thousand Four Hundred Thirty and Fifty Eight Hundredths (2,430.58) feet to the ACTUAL point of beginning and containing 3.198 acres, more or less.

TOTAL acres 3.198 x \$600 = \$1,918.80



Airport Rd W

Schauppsville Rd N

70th Rd N

13th St W

Alda Rd N

Old Potash Hwy W

Schauppsville Rd S


Stolley Park Rd W

80th Rd

Alda Rd S

**Legend**



 New Trail Easements

 Trails

Husker Hwy

90th Rd S

