



# City of Grand Island

Tuesday, June 13, 2006

Council Session

## Item E3

**Public Hearing to Acquire Tracts of Right-of-Way Along Capital Avenue Between Moores Creek Drain and Webb Road for Capital Avenue Widening; Street Improvement District 1256**

Staff Contact: Steven P. Riehle, Public Works Director

# Council Agenda Memo

**From:** Steven P. Riehle, Public Works Director

**Meeting:** June 13, 2006

**Subject:** Public Hearing and Approval to Acquire Tracts of Right-of-Way and Permanent Easements Along Capital Avenue from the Moores Creek Drainway to east of Webb Road

**Item #'s:** E-3 & G-6

**Presenter(s):** Steven P. Riehle, Public Works Director

## Background

On July 12<sup>th</sup>, 2005 a public hearing was held and council approved acquisition of the necessary right-of-ways and permanent easements for the project to widen Capital Avenue. In April 2006 the Federal Highway Administration and the Nebraska Department of Roads approved the environmental documentation for the project and authorized right-of-way negotiations to begin. On May 25<sup>th</sup>, 2006 a public information open house was held to present the results of the noise study and kick off right-of-way negotiations.

## Discussion

The sanitary sewer force main work on the project was extended to east of Webb Road requiring a new public utility easement. There are four (4) parcels of land where there were minor changes or corrections made to the legal descriptions. Ownership on Tract number 23 has changed.

The Federal Highway Administration and the Nebraska Department of Roads have recommended that the resolution approving acquisition of the right-of-ways and permanent easements include authorization for eminent domain proceedings. The council will be updated regarding the negotiations before proceeding with any commendation proceedings.

## **Alternatives**

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

1. Make a motion to approve acquisition of the proposed tracts of land.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

## **Recommendation**

City Administration recommends that the Council conduct a Public Hearing and approve the acquisition of the tracts of land.

## **Sample Motion**

Approve the acquisition of the tracts of land along Capital Avenue.

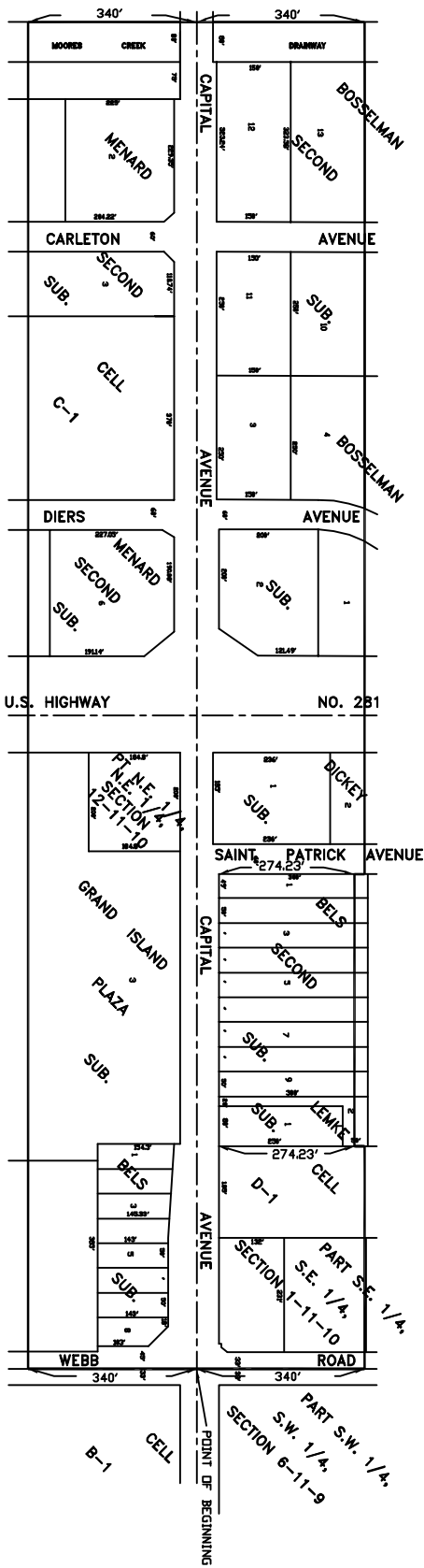


EXHIBIT "A"

CEKINS LAND  
FIELD WORLD SERVICES

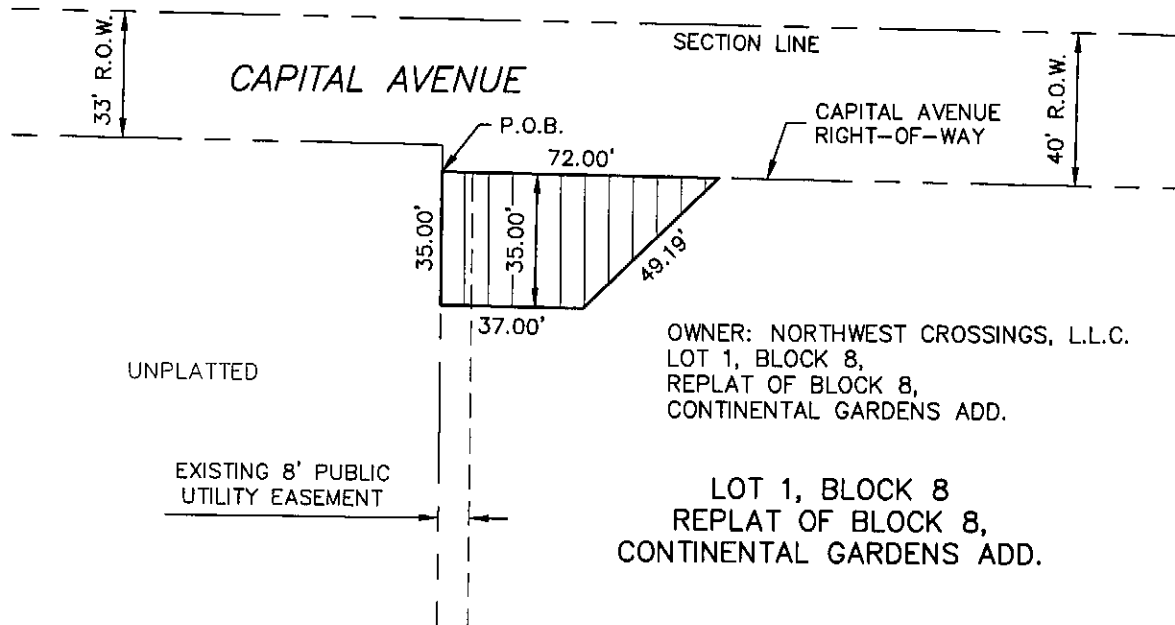
PLAT TO ACCOMPANY ORDINANCE  
NO. 8985

SCALE 1" = 200' L.D.C. 6/27/05

STREET IMPROVEMENT DISTRICT 1256

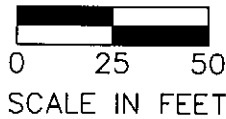
# PUBLIC UTILITY EASEMENT

TRACT NO. 24, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



## LEGEND

UTILITY EASEMENT



## EASEMENT DESCRIPTION

A PUBLIC UTILITY EASEMENT CONSISTING OF PART OF LOT 1, BLOCK 8 OF REPLAT OF BLOCK 8, CONTINENTAL GARDENS ADDITION, LOCATED IN LOT 1 OF FRACTIONAL SECTION 7 AND THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE AND THE POINT OF BEGINNING. THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 35.00 FEET; THENCE EASTERLY ALONG A LINE BEING 35.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 37.00 FEET; THENCE NORTHEASTERLY A DISTANCE OF 49.19 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID POINT BEING 72.00 FEET EASTERLY FROM THE NORTHWEST CORNER OF SAID LOT 1; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 72.00 FEET TO THE POINT OF BEGINNING. SAID PUBLIC UTILITY EASEMENT CONTAINS 1907.31 SQUARE FEET OR 0.044 ACRES MORE OR LESS OF WHICH 279.99 SQUARE FEET IS EXISTING PUBLIC UTILITY EASEMENT.

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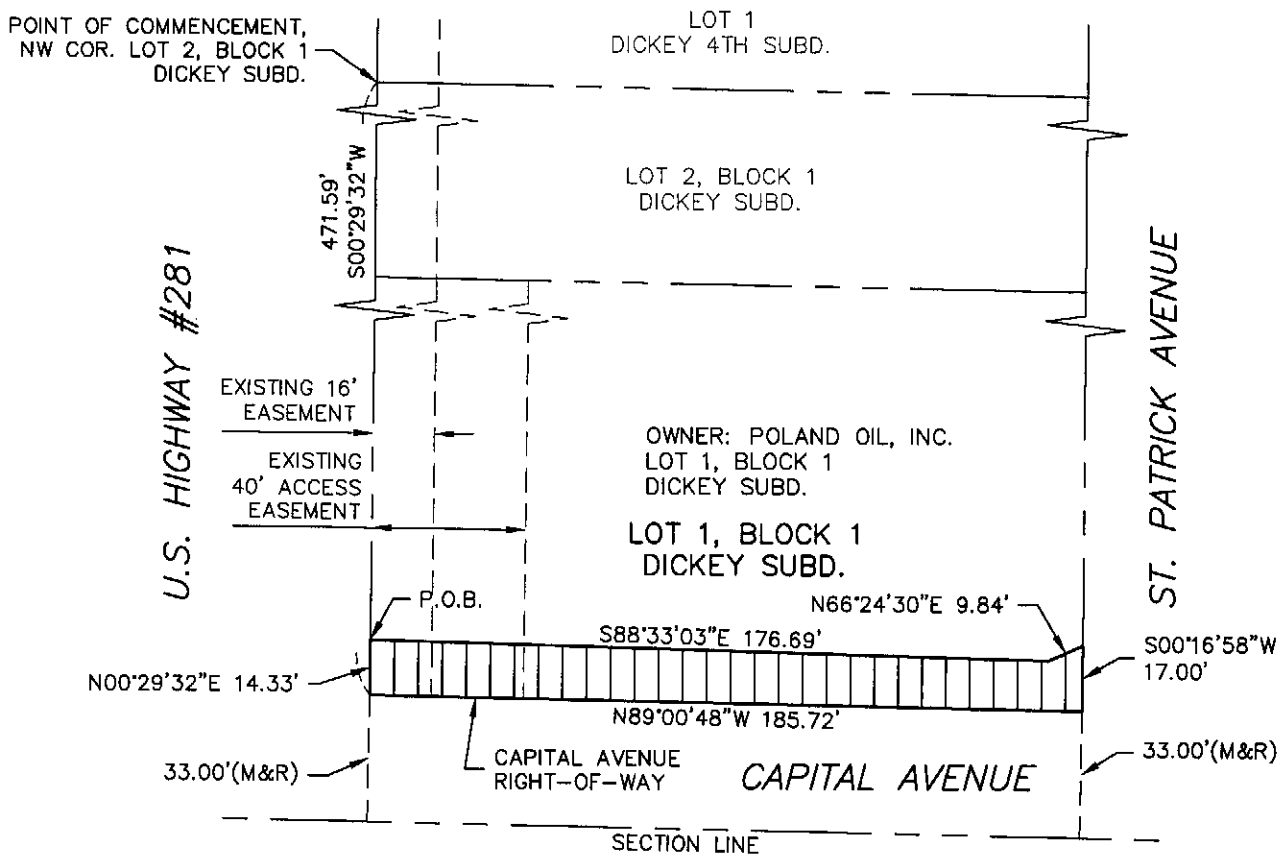
**OLSSON ASSOCIATES**

ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-8750 - FAX 308-384-8752  
OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

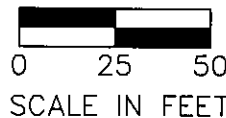
# PUBLIC UTILITY & WALK EASEMENT

TRACT NO. 5, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



## LEGEND

UTILITY EASEMENT 



## EASEMENT DESCRIPTION

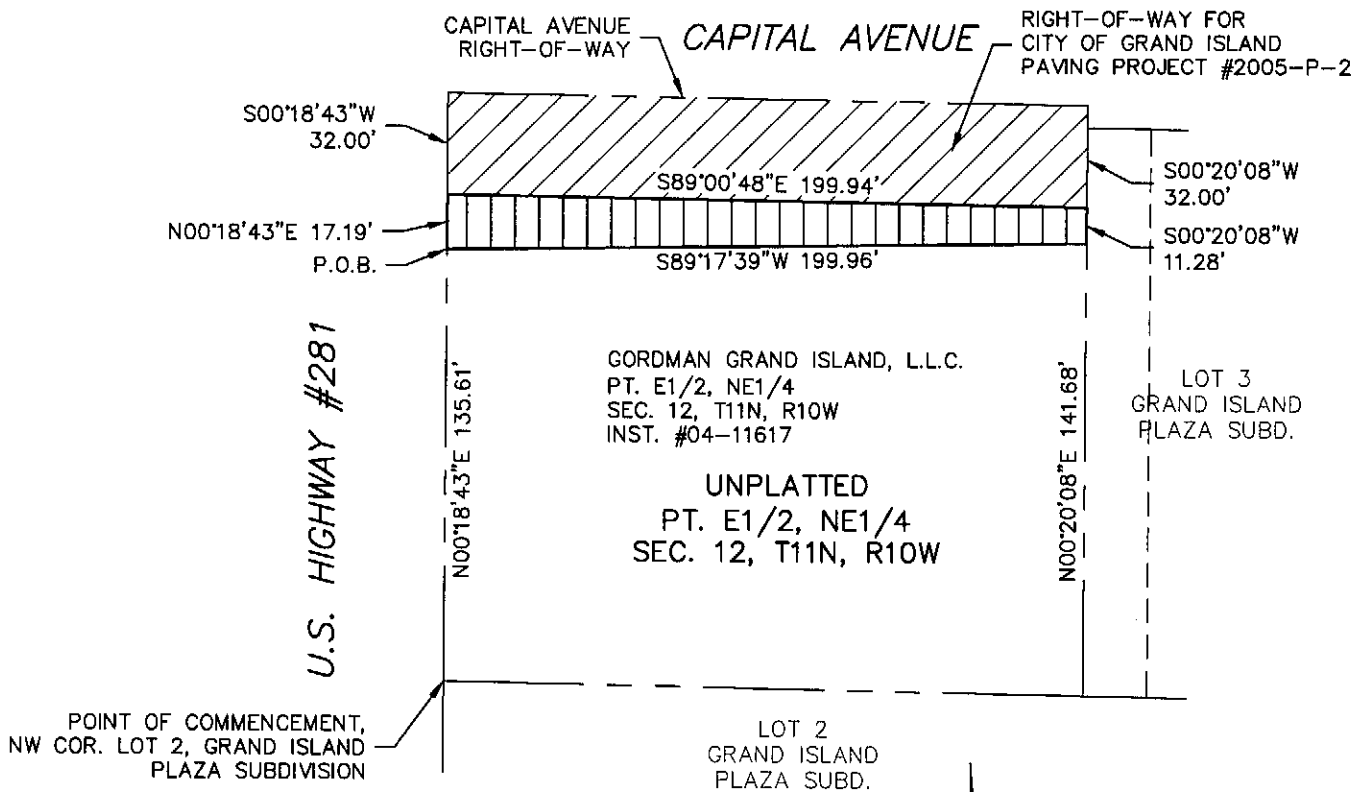
A PUBLIC UTILITY AND WALK EASEMENT CONSISTING OF PART OF LOT 1, BLOCK 1 OF DICKEY SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4, SE1/4) OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1 OF SAID DICKEY SUBDIVISION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF U.S. HIGHWAY #281; THENCE ON AN ASSUMED BEARING OF 500°29'32"W ALONG THE WEST LINE OF SAID LOTS 1 AND 2 A DISTANCE OF 471.69 FEET TO THE POINT OF BEGINNING; THENCE S88°33'03"E A DISTANCE OF 176.69 FEET; THENCE N66°24'30"E A DISTANCE OF 9.84 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; SAID LINE ALSO BEING THE WEST R.O.W. LINE OF ST. PATRICK AVENUE; THENCE S00°16'58"W ALONG SAID EAST LINE OF LOT 1 A DISTANCE OF 17.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, SAID CORNER ALSO BEING THE POINT OF INTERSECTION OF THE WEST R.O.W. LINE OF ST. PATRICK AVENUE AND THE NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE N89°00'48"W ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 185.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID CORNER ALSO BEING THE POINT OF INTERSECTION OF THE NORTH R.O.W. LINE OF CAPITAL AVENUE AND THE EAST R.O.W. LINE OF U.S. HIGHWAY #281; THENCE N00°29'32"E ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 14.33 FEET TO THE POINT OF BEGINNING. SAID PUBLIC UTILITY AND WALK EASEMENT CONTAINS 2541.15 SQUARE FEET OR 0.058 ACRES MORE OR LESS.

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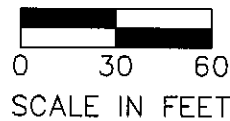
# PUBLIC UTILITY & TRAIL EASEMENT

TRACT NO. 20, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



## LEGEND

R.O.W. TRACT   
UTILITY EASEMENT 



## EASEMENT DESCRIPTION

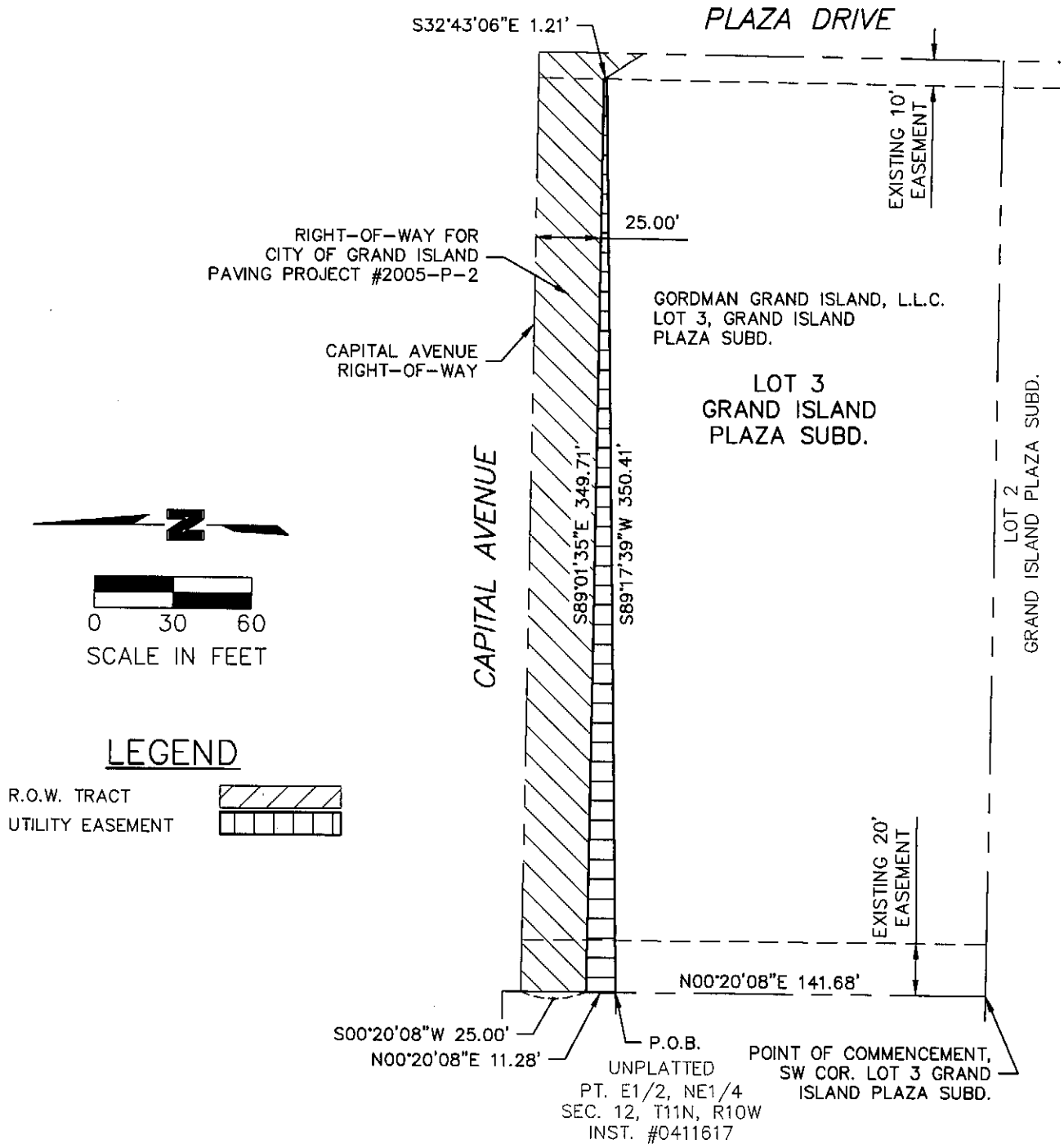
A PUBLIC UTILITY AND TRAIL EASEMENT CONSISTING OF PART OF A UNPLATTED TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 04-11617, HALL COUNTY REGISTER OF DEEDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2 OF GRAND ISLAND PLAZA SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, SAID POINT BEING ON THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF U.S. HIGHWAY #281; THENCE ON AN ASSUMED BEARING OF N00°18'43"E ALONG SAID EAST R.O.W. LINE A DISTANCE OF 135.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°18'43"E ALONG SAID EAST R.O.W. LINE A DISTANCE OF 17.19 FEET; THENCE S89°00'48"E A DISTANCE OF 199.94 FEET TO A POINT ON THE WEST LINE OF LOT 3 OF SAID GRAND ISLAND PLAZA SUBDIVISION; THENCE S00°20'08"W ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 11.28 FEET; THENCE S89°17'39"W A DISTANCE OF 199.96 FEET TO THE POINT OF BEGINNING. SAID PUBLIC UTILITY AND TRAIL EASEMENT CONTAINS 2845.58 SQUARE FEET OR 0.065 ACRES MORE OR LESS.

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# PUBLIC UTILITY & TRAIL EASEMENT

TRACT NO. 21, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



## EASEMENT DESCRIPTION

A PUBLIC UTILITY AND TRAIL EASEMENT CONSISTING OF PART OF LOT 3 OF GRAND ISLAND PLAZA SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4, NE1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

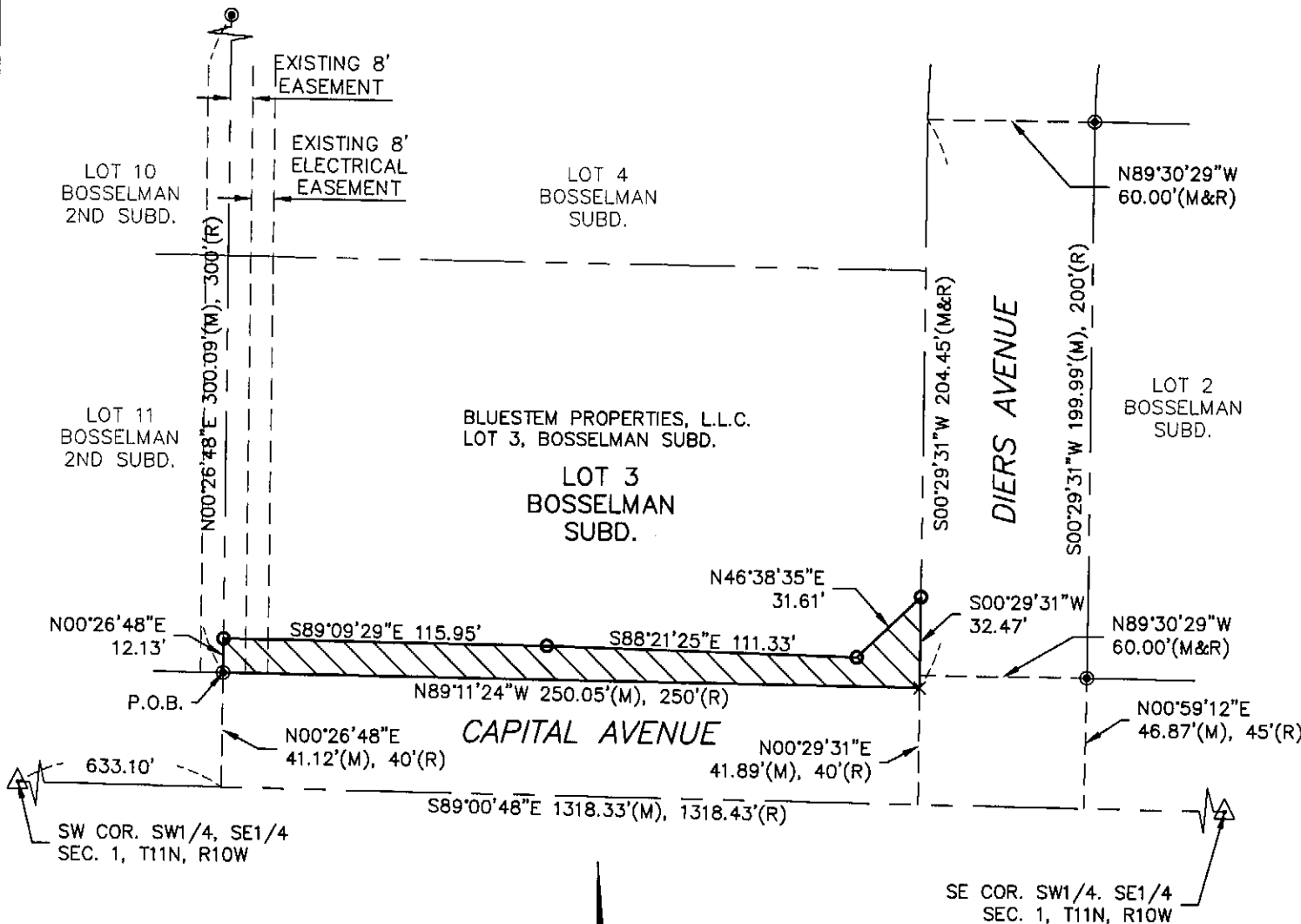
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ON AN ASSUMED BEARING OF N00°20'08"E ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 141.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°20'08"E ALONG SAID WEST LINE A DISTANCE OF 11.28 FEET; THENCE S89°01'35"E A DISTANCE OF 349.71 FEET; THENCE S32°43'06"E A DISTANCE OF 1.21 FEET; THENCE S89°17'39"W A DISTANCE OF 350.41 FEET TO THE POINT OF BEGINNING. SAID PUBLIC UTILITY AND TRAIL EASEMENT CONTAINS 2152.74 SQUARE FEET OR 0.049 ACRES MORE OR LESS.



# Survey Record

HALL COUNTY, NEBRASKA

TRACT NO. 3, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2

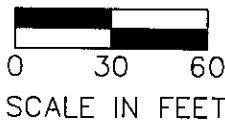


## LEGEND

- FOUND CORNER ●
- SET CORNER (3/4" PIPE) ○
- SECTION CORNER △
- TEMPORARY POINT ×
- MEASURED DISTANCE (M)
- RECORDED DISTANCE (R)
- R.O.W. TRACT

N

x



## SECTION TIES

## LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 3 OF BOSSELMAN SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°26'48"E ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 12.13 FEET; THENCE S89°09'29"E A DISTANCE OF 115.95 FEET; THENCE S88°21'25"E A DISTANCE OF 111.33 FEET; THENCE N46°38'35"E A DISTANCE OF 31.61 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3, SAID LINE ALSO BEING THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE S00°29'31"W ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 32.47 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, SAID CORNER ALSO BEING THE POINT OF INTERSECTION OF THE WEST R.O.W. LINE OF DIERS AVENUE AND THE NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE N89°11'24"W ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 250.05 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 3144.02 SQUARE FEET OR 0.072 ACRES MORE OR LESS.

JAI ANDRIST, NEBRASKA REGISTERED LAND SURVEYOR NO., LS-630

DATE



**OLSSON ASSOCIATES**

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