



City of Grand Island

Tuesday, June 13, 2006

Council Session

Item G6

**#2006-174 - Approving Acquisition of Tracts of Right-of-Way
Along Capital Avenue Between Moores Creek Drain and Webb
Road for Capital Avenue Widening; Street Improvement District
1256**

This item relates to the aforementioned Public Hearing Item E-3.

Staff Contact: Steven P. Riehle, Public Works Director

R E S O L U T I O N 2006-174

WHEREAS, on July 12, 2005, by Resolution 2005-196, the City Council of the City of Grand Island approved the acquisition of real property for utility easements and right-of-way purposes to widen Capital Avenue from the Moore's Creek Drainway (approximately one-half mile west of U.S. Highway 281) east to Webb Road; and

WHEREAS, a public hearing was held on June 13, 2006, for the purpose of discussing the acquisition of an additional public utility easement from Northwest Crossings L.L.C., a limited liability company, for this project, such easement is hereby described as follows:

A tract of land 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. in the 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.

WHEREAS, corrections need to be made to the legal descriptions for the tracts of land acquired at the July 12, 2005 council meeting, such corrected legal descriptions are set out as follows:

Tract No.	Property Description
<p>3</p> <p>Bluestem Properties, L.L.C.</p> <p>ROW Acquisition</p>	<p>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:</p> <p>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</p>

Approved as to Form <input type="checkbox"/> _____ June 8, 2006 <input type="checkbox"/> City Attorney

	<p>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.</p>
<p>5 Poland Oil, Inc. Utility Easement</p>	<p>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:</p> <p>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 S00°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.</p>
<p>20 Gordman Grand Island, L.L.C. Utility Easement</p>	<p>A Public Utility and Trail Easement consisting of part of an 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:</p> <p>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.</p>

21 Gordman Grand Island, L.L.C.	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:
Utility Easement	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.

WHEREAS, the ownership to Tract No. 23 described in Resolution 2005-196 has changed to Northwest Crossings L.L.C.; and

WHEREAS, Section 19-709, R.R.S. 1943, authorizes the City to appropriate private property for use of the City for public facilities; and

WHEREAS, in the event the property authorized for acquisition herein and/or authorized for acquisition in Resolution 2005-196 pertaining to the widening of Capital Avenue from the Moore's Creek Drainway east to Webb Road is unable to be resolved between the parties, it is recommended that the City be authorized to pursue eminent domain proceedings for such acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The City of Grand Island is hereby authorized to acquire a permanent utility easement from Northwest Crossings L.L.C. on the above identified tract of land.
2. The City of Grand Island is hereby authorized to acquire permanent utility easements and/or right of way with respect to the corrected legal descriptions outlined above.
3. The City of Grand Island is hereby authorized to acquire Tract No. 23 described in Resolution 2005-196 from its new owner, Northwest Crossings L.L.C.
4. In the event the acquisition of the above-described property, and the property identified and authorized for acquisition pursuant to Resolution 2005-196, cannot be successfully negotiated, that the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire it for the Capital Avenue widening project.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 13, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk