



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item F2

**#9055 - Consideration of Amending Ordinance #9015 - Creation of Water Main District No. 452**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Dale Shotkoski, Interim City Attorney  
Gary R. Mader, Utilities Director

**Meeting:** July 25, 2006

**Subject:** Ordinance No. 9055 - Amending Ordinance #9015 –  
Creation of Water Main District 452

**Item #'s:** F-2

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

## **Background**

City Council created Water Main District 452 on November 8, 2005. The district is located south of U.S. Hwy. 34 and west of Locust Street along Knott Avenue, Lake Street and Tri Streets. A map of the district is attached. Notification of all property owners in the district was provided by mail describing the process and means to protest. There was only 3.3% protest. Council continued the district on January 10, 2006.

It has since been discovered that an incorrect legal description was included in the original ordinance. The plot which was attached to the ordinance and all correspondence with property owners was correct. Construction of the district is essentially complete.

## **Discussion**

The Legal Department has conducted a review of the error. There has been no harm to any of the property owners due to the incorrect legal description. None of the properties have changed ownership, all property owners were notified of the creation of the district; and all owners were afforded the opportunity to protest the district.

The administrative record of this District may be corrected by a new ordinance amending the legal description of the original ordinance.

## **Alternatives**

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date

### **Recommendation**

City Administration recommends that the Council approve the correction for the District administrative record by correcting original Ordinance #9015 by passing the ordinance of amendment.

### **Sample Motion**

Make a motion to approve the Ordinance No. 9055 to correct Ordinance #9015.

U.S. HIGHWAY 34

SECTION LINE

NORTHEAST CORNER-  
SECTION 33, T-11-N, R-9-W

POINT OF  
BEGINNING

PART OF NE1/4, NE1/4  
SECTION 33, T-11-N, R-9-W  
(PROPOSED KINGS  
CROSSING SUBDIVISION)

LOCUST STREET

PALU

SUB. STREET

TRI STREET

LAKE STREET

LAKE STREET

ARLENE AVE.

KNOTT

BLOCK 3

BLOCK 1

KNOTT AVENUE

SUBDIVISION

BLOCK 2

VALENTINE  
MOTEL SUB.

WATER MAIN  
DISTRICT 452  
BOUNDARY

EXHIBIT "A"



CITY OF  
**GRAND ISLAND**  
UTILITIES DEPARTMENT

PLAT TO ACCOMPANY  
ORDINANCE NO. 9015

DRN BY: K.J.M. | SCALE: 1"= 200'  
DATE: 10/25/2005 | FILE: WMD 452

ORDINANCE NO. 9055

An ordinance to amend Ordinance No. 9015 to correct the legal description identified for Water Main District No. 452; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, Ordinance No. 9015 was approved by the Grand Island City Council on November 8, 2005, creating Water Main District No. 452; and

WHEREAS, Ordinance No. 9015 correctly stated that Water Main District No. 452 would be located in Lake Street, Tri Street and Knott Avenue in Knott Subdivision in the City of Grand Island, Hall County, Nebraska, however the legal description identifying the boundaries of the district was incorrect; and

WHEREAS, it is necessary to amend Ordinance No. 9015 to correct the legal description identifying the boundaries of Water Main District No. 452.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Ordinance No. 9015 is hereby amended to correct the legal description in Section 2 of such ordinance to read as follows:

Beginning at the northeast corner of Lot Seven (7) Palu Subdivision in the City of Grand Island, Hall County, Nebraska; thence southerly along the easterly line of said Lot Seven (7), a distance of one hundred one (101.0) feet to the southeast corner of said Lot Seven (7); thence westerly along the southerly line of said Lot Seven (7), a distance of seventeen and four tenths (17.4) feet to the northeast corner of Lot Ten (10) said Palu Subdivision; thence southerly along the easterly line of Lot Ten (10) and Lot Eleven (11) and the extension of said lots, said Palu Subdivision, a distance of two hundred twenty three and five tenths (223.5) feet; thence easterly along the extension of the northerly line of Knott Subdivision, a distance of five hundred seventy three and twelve hundredths (573.12) feet to a point on the easterly line of Section Thirty Three (33), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of said Section Thirty Three (33), a distance of one hundred ninety five and seventy one hundredths (195.71) feet; thence westerly along the northerly line of Lot Two (2)

ORDINANCE NO. 9055 (Cont.)

and its extension, Valentine Motel Subdivision, a distance of two hundred seven and ninety one hundredths (207.91) feet to the northeast corner of Lot One (1) said Valentine Motel Subdivision; thence southerly along the easterly line of said Lot one (1), a distance of one hundred fifty (150.0) feet to the southeast corner of said Lot One (1); thence westerly along the southerly line of said Lot One (1), a distance of one hundred twenty five (125.0) feet to the southwest corner of said Lot One (1); thence southerly along the easterly line of Lot Two (2) and Lot Three (3) Block Two (2) said Knott Subdivision, a distance of two hundred fifty two (252.0) feet to the southeast corner of said Lot Three (3); thence westerly along the southerly line of Lot Three (3), Lot Four (4), and Lot Five (5) Block Two (2) said Knott Subdivision, a distance of three hundred eighty (380.0) feet to the southwest corner of said Lot Five (5); thence northerly along the westerly line of said Lot Five (5), a distance of one hundred sixty (160.0) feet to the northwest corner of said Lot Five (5); thence easterly along the northerly line of said Lot Five (5), a distance of fifty two and two tenths (52.2) feet; thence northerly along the westerly line of Lot Nine (9) Block One (1) and its extension, said Knott Subdivision, a distance of two hundred twenty five (225.0) feet to the northwest corner of said Lot Nine (9); thence westerly along the southerly line of Lot One (1) and Lot Two (2) Block One (1) said Knott Subdivision, a distance of one hundred eighty (180.0) feet to the southwest corner of said Lot Two (2); thence northerly along the westerly line of said Lot Two (2) and its extension, a distance of two hundred twenty six and eighty six hundredths (226.86) feet to a point on the southerly line of Lot Twelve (12) said Palu Subdivision; thence westerly along the southerly line of said Lot Twelve (12), a distance of ninety and ninety seven hundredths (90.97) feet to the southwest corner of said Lot Twelve (12); thence northerly along the westerly line of Lot Twelve (12), Lot Nine (9), and Lot Eight (8) said Palu Subdivision, a distance of two hundred fifty seven and three tenths (257.3) feet; thence northeasterly a distance of sixty seven and thirty five hundredths (67.35) feet to a point on the northerly line of said Lot Eight (8), being fifty (50.0) feet easterly of the northwest corner of said Lot Eight (8); thence easterly along the northerly line of Lot Eight (8) and Lot Seven (7) and the extension of said lots, said Palu Subdivision, a distance of three hundred twenty three (323.0) feet to the northeast corner of said Lot Seven (7), being the said point of beginning.

SECTION 2. All remaining portions of Ordinance No. 9015 shall remain in full force and effect.

SECTION 3. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. 9055 (Cont.)

SECTION 4. This ordinance shall be recorded with the Hall County Register of Deeds.

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk