



City of Grand Island

Tuesday, November 14, 2006

Council Session

Item E4

Public Hearing on Acquisition of Right-of-Way along the South Side of Capital Avenue (2490 Carleton Avenue, 2449 Carleton Avenue, and 2485 N Diers Avenue, John R. Menard)

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director
Dale Shotkoski, City Attorney

Meeting: November 14, 2006

Subject: Public Hearing on Acquisition of Right-of-Way along the South Side of Capital Avenue (2490 Carleton Avenue, 2449 Carleton Avenue, and 2485 N Diers Avenue, John R. Menard)

Item #'s: E-4 & G-8

Presenter(s): Steven P. Riehle, Public Works Director
Dale Shotkoski, City Attorney

Background

Nebraska State Law requires a Public Hearing and Council approval for acquisition of property. Public Street Right-of-Way and Temporary Construction Easements are needed along Capital Avenue for the property at 2490 Carleton Avenue, 2449 Carleton Avenue, and 2485 N Diers Avenue for the widening of Capital Avenue from the Moores Creek Drainway to Webb Road.

Discussion

Council action is necessary for the City of Grand Island to acquire public Right-of-Way and easements. Temporary construction easements do not usually go before council for approval to acquire. However, if use of eminent domain is necessary to continue with the project, council approval to acquire Temporary Construction Easements is needed.

Although our property acquisition firm, Midwest Right-of-Way Services, Inc, has negotiated successfully with many of the properties along Capital, there remain a few that we have not negotiated an agreement with. Midwest continues to work with the remaining property owners, but eminent domain may be needed to acquire the remaining parcels. Therefore, it is essential that the Council allow for the use of eminent domain in the event that we can not acquire all property needed to accomplish the project.

Alternatives

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

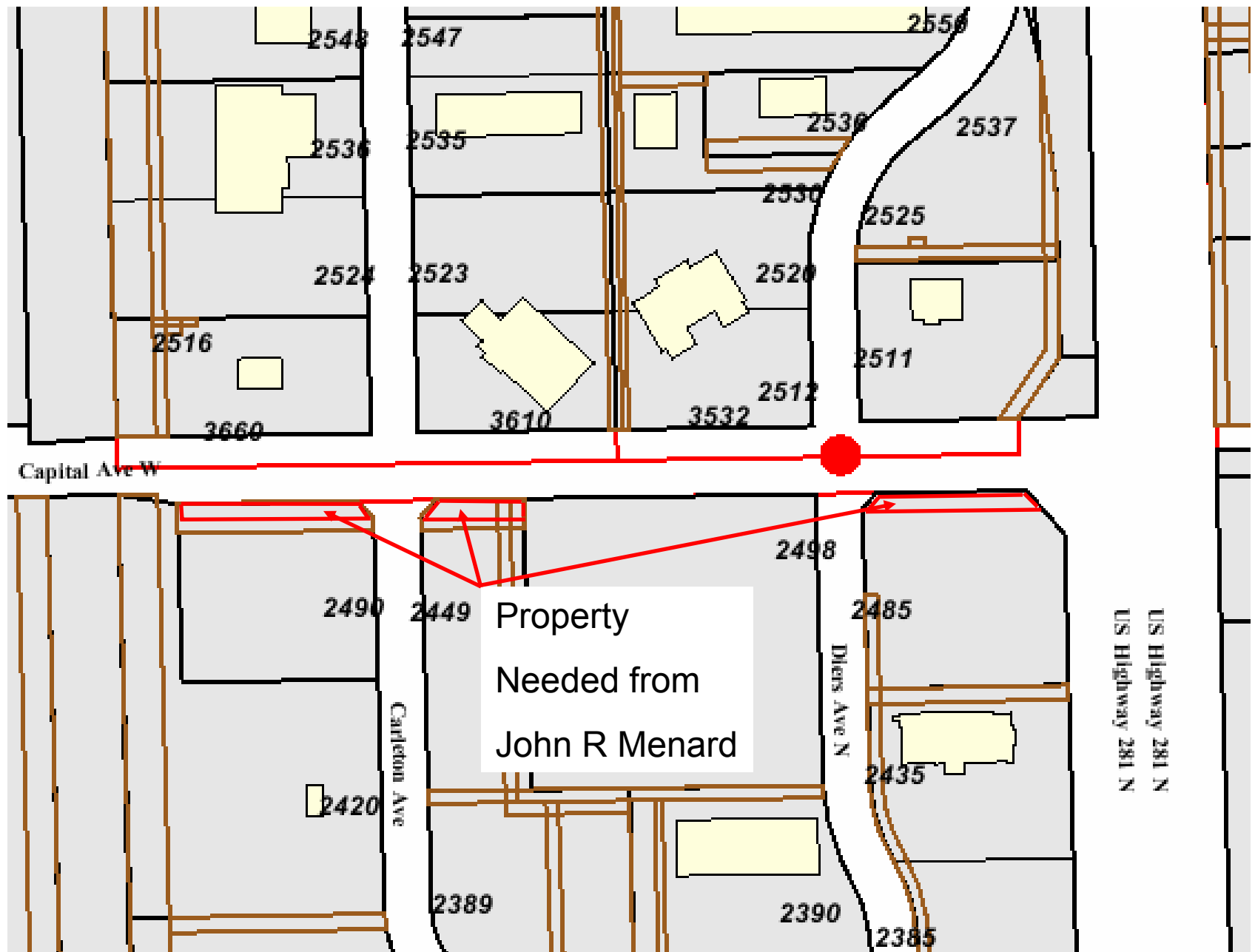
1. Move to approve the acquisition of the Public Street Right-of-Way and the temporary construction easement, by eminent domain if necessary.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the Public Street Right-of-Way and the temporary construction easement, by eminent domain if necessary.

Sample Motion

Motion to approve the acquisition of the Public Street Right-of-Way and the temporary construction easement, by eminent domain if necessary.



Survey Record

HALL COUNTY, NEBRASKA

TRACT NO. 16, CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2

NE COR. NW1/4, NE1/4
SEC. 12, T11N, R10W

U.S. HIGHWAY #281

S00°59'12"W
44.96'(M), 45.00'(R)

S89°00'53"E
190.09'(M),
190.08'(R)

S89°00'53"E
77.36'(M&R)

LOT 6,
MENARD
2ND SUBD.

DIERS
AVENUE



SCALE IN FEET

LEGEND

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

UNPLATTED
PT. NW1/4, NE1/4
SEC. 12, T11N, R10W
INST. #78-000562

S89°00'48"E 1318.33'(M), 1318.43'(R)

CAPITAL AVENUE

S89°00'53"E 480.77'(M), 480.74'(R)

LOT 3,
MENARD
2ND SUBD.

SECTION TIES

x

S89°00'53"E
79.67'(M&R)

S41°18'54"E
28.11'(M), 28.10'(R)

S89°00'53"E
18.65'(M&R)

CARLETON
AVENUE

N00°15'07"E
225.10'(M), 225.00'(R)
204.31'(M), 204.22'(R)

S00°59'12"W
44.97'(M),
45.00'(R)

EXISTING
38' UTILITY
EASEMENT

N89°01'29"W
122.48'

JOHN R. MENARD
LOT 2, MENARD
2ND SUBD.

LOT 2, MENARD
2ND SUBD.

S89°00'53"E 229.36'(M), 229.35'(R)

N85°8'49"W
92.78'

S00°59'12"W
32.12'(M),
33.00'(R)

N00°15'16"E
225.00'(M&R)

S00°25'08"W
12.86'(M),
12.00'(R)

UNPLATTED
PT. NW1/4, NE1/4
SEC. 12, T11N, R10W
INST. #95-106399

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 2, MENARD SECOND SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4, 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 SAID LOT 2, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°00'53"E ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 229.36 FEET TO A NORTHEASTERLY CORNER OF SAID LOT 2, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE SOUTH R.O.W. LINE OF CAPITAL AVENUE AND THE WEST R.O.W. LINE OF CARLETON AVENUE; THENCE S41°18'54"E ALONG THE NORTHEAST LINE OF SAID LOT 2 A DISTANCE OF 28.11 FEET TO A NORTHEASTERLY CORNER OF SAID LOT 2; THENCE N64°57'47"W A DISTANCE OF 36.36 FEET; THENCE N89°01'29"W A DISTANCE OF 122.48 FEET; THENCE N85°18'49"W A DISTANCE OF 92.78 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 1257.11 SQUARE FEET OR 0.029 ACRES MORE OR LESS.

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

DATE

NW COR. NW1/4, NE1/4
SEC. 12, T11N, R10W



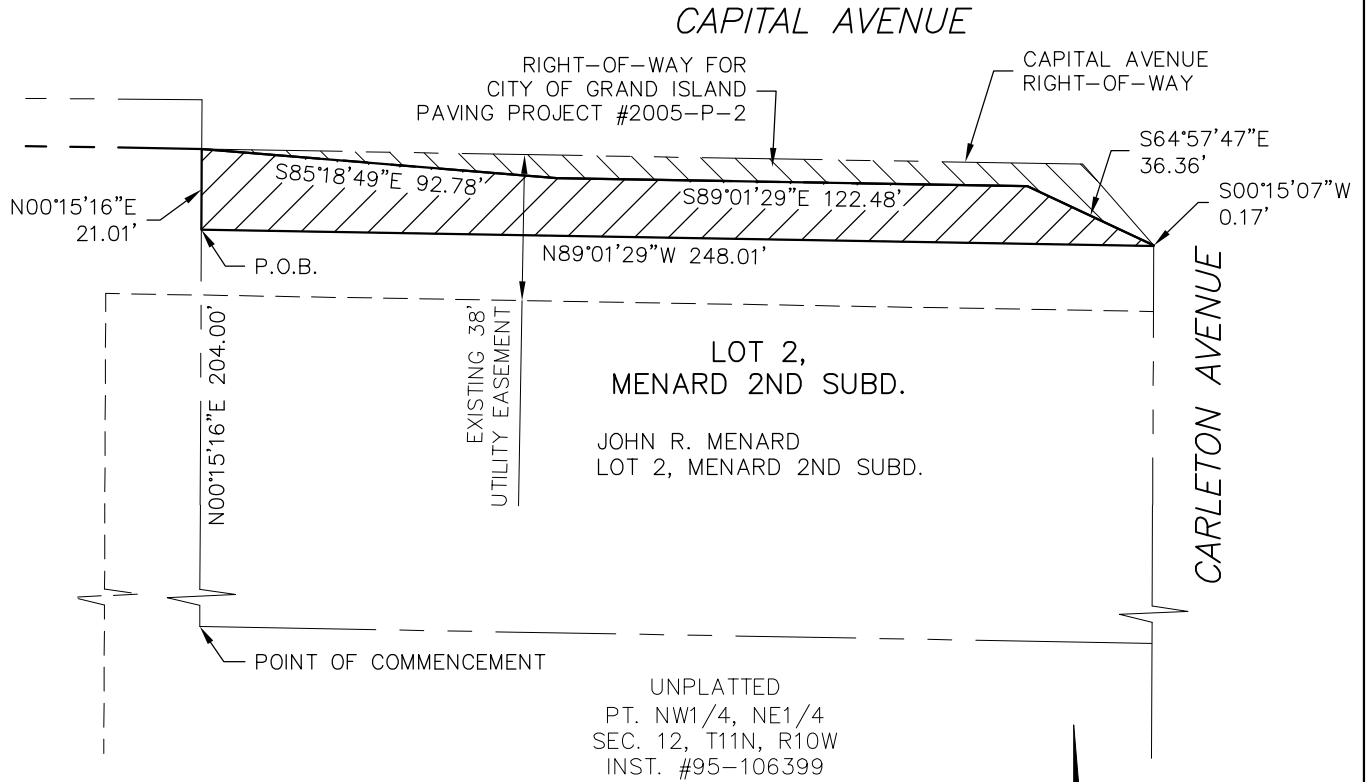
OLSSON ASSOCIATES

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

TEMPORARY CONSTRUCTION EASEMENT

TRACT NO. 16, CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2

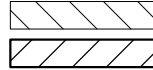


UNPLATTED
PT. NW1/4, NE1/4
SEC. 12, T11N, R10W
INST. #95-106399

LEGEND

R.O.W. TRACT

TEMPORARY EASEMENT



EASEMENT DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF PART OF LOT 2 OF MENARD SECOND SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4, NE1/4) OF SECTION 12, T11N, R10W 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 2; THENCE ON AN ASSUMED BEARING OF N00°15'16"E ALONG THE WEST LINE OF SAID LOT 2 A DISTANCE OF 204.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°15'16"E ALONG SAID WEST LINE A DISTANCE OF 21.01 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE S85°18'49"E A DISTANCE OF 92.78 FEET; THENCE S89°01'29"E A DISTANCE OF 122.48 FEET; THENCE S64°57'47"E A DISTANCE OF 36.36 FEET TO A POINT ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF CARLETON AVENUE; THENCE S00°15'07"W ALONG SAID WEST R.O.W. LINE A DISTANCE OF 0.17 FEET; THENCE N89°01'29"W A DISTANCE OF 248.01 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 3753.16 SQUARE FEET OR 0.086 ACRES MORE LESS.

EXHIBIT "A"

LOT 2, MENARD 2ND SUBD.
CITY OF GRAND ISLAND,
HALL COUNTY, NE



OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

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OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

DATE:

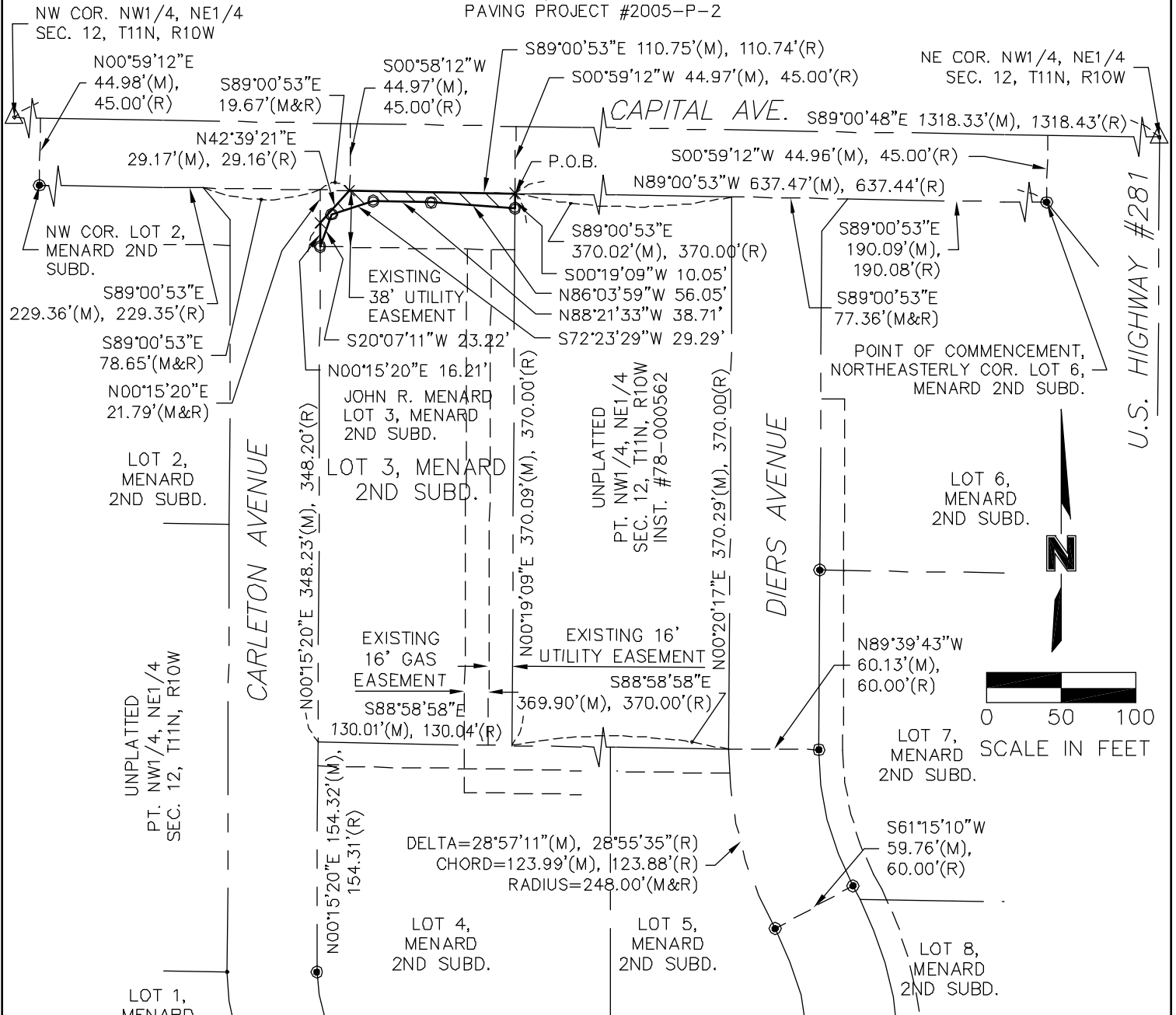
JUNE, 2005

OA #2004-1226


Survey Record

HALL COUNTY, NEBRASKA

TRACT NO. 17, CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2



LEGEND

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

SECTION TIES

DELTA=28°57'11"(M), 28°55'35"(R)
CHORD=123.99'(M), 123.88'(R)
RADIUS=248.00'(M&R)

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 3, MENARD SECOND SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4, 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 A NORTHEASTERLY CORNER OF LOT 6 OF SAID MENARD SECOND SUBDIVISION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE; THENCE ON AN ASSUMED BEARING OF N89°00'53"W ALONG SAID SOUTH R.O.W. LINE A DISTANCE OF 637.47 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S00°19'09"W ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 10.05 FEET; THENCE N86°03'59"W A DISTANCE OF 56.05 FEET; THENCE N88°21'33"W A DISTANCE OF 38.71 FEET; THENCE S72°23'29"W A DISTANCE OF 29.29 FEET; THENCE S20°07'11"W A DISTANCE OF 23.22 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, SAID LINE ALSO BEING THE EAST R.O.W. LINE OF CARLETON AVENUE; THENCE N00°15'20"E ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 16.21 FEET TO A NORTHWESTERLY CORNER OF SAID LOT 3; THENCE N42°39'21"E ALONG THE NORTHWEST LINE OF SAID LOT 3 A DISTANCE OF 29.17 FEET TO A NORTHWESTERLY CORNER OF SAID LOT 3, SAID CORNER ALSO BEING THE POINT OF INTERSECTION OF THE EAST R.O.W. LINE OF CARLETON AVENUE AND THE SOUTH R.O.W. LINE OF CAPITAL AVENUE; THENCE S89°00'53"E ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 110.75 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 1066.63 SQUARE FEET OR 0.024 ACRES MORE OR LESS.

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

DATE



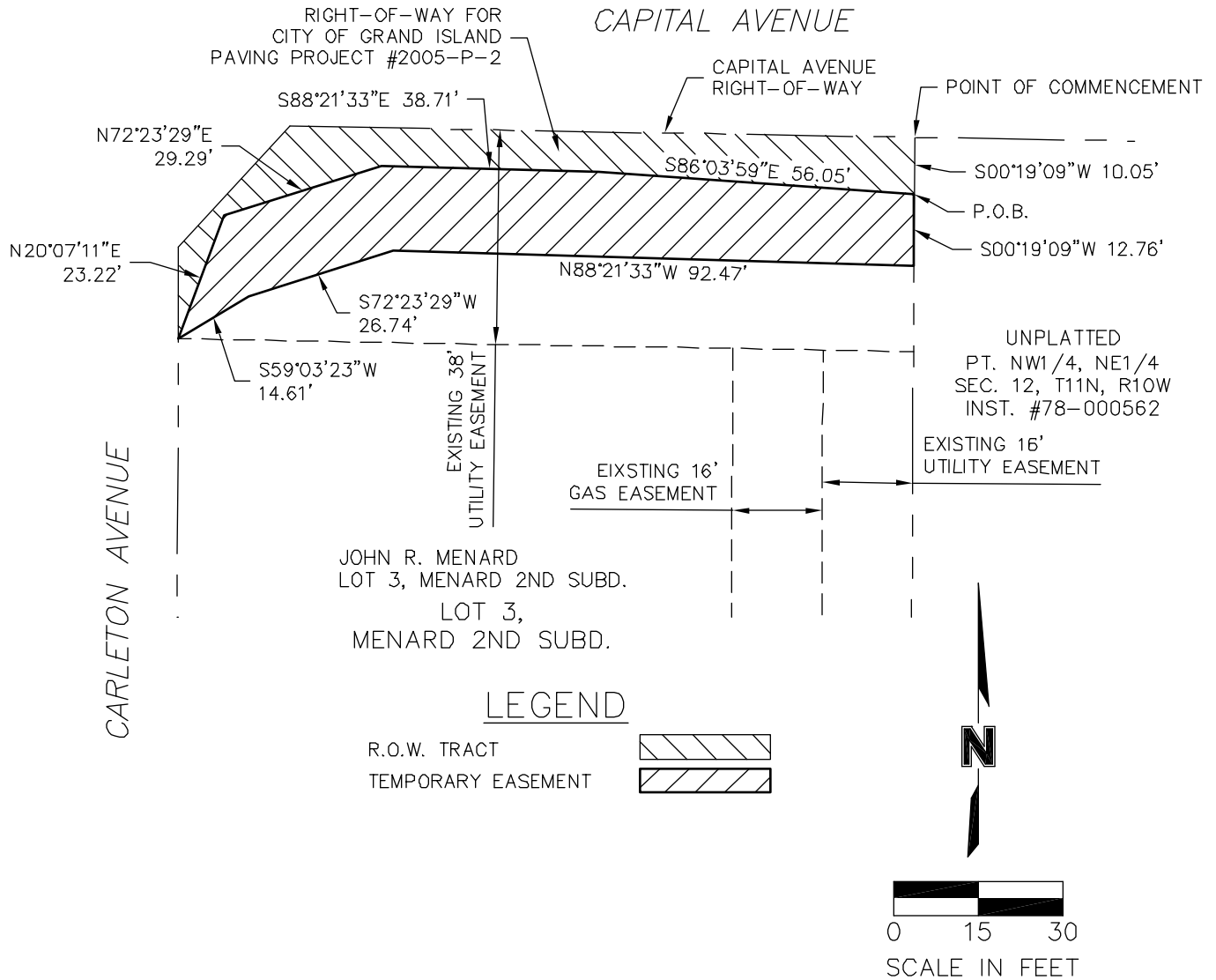
OLSSON ASSOCIATES

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OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

TEMPORARY CONSTRUCTION EASEMENT

TRACT NO. 17, CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2



EASEMENT DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF PART OF LOT 3 OF MENARD SECOND SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) 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 NORTHEAST CORNER OF SAID LOT 3, THENCE ON AN ASSUMED BEARING OF S00°19'09"W ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 10.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°19'09"W ALONG SAID EAST LINE A DISTANCE OF 12.76 FEET; THENCE N88°21'33"W A DISTANCE OF 92.47 FEET; THENCE S72°23'29"W A DISTANCE OF 26.74 FEET; THENCE S59°03'23"W A DISTANCE OF 14.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE N20°07'11"E A DISTANCE OF 23.22 FEET; THENCE N72°23'29"E A DISTANCE OF 29.29 FEET; THENCE S88°21'33"E A DISTANCE OF 38.71 FEET; THENCE S86°03'59"E A DISTANCE OF 56.05 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 1867.52 SQUARE FEET OR 0.043 ACRES MORE OR LESS.

EXHIBIT "A"

LOT 3, MENARD 2ND SUBD.
CITY OF GRAND ISLAND,
HALL COUNTY, NE



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DATE:
JUNE, 2005

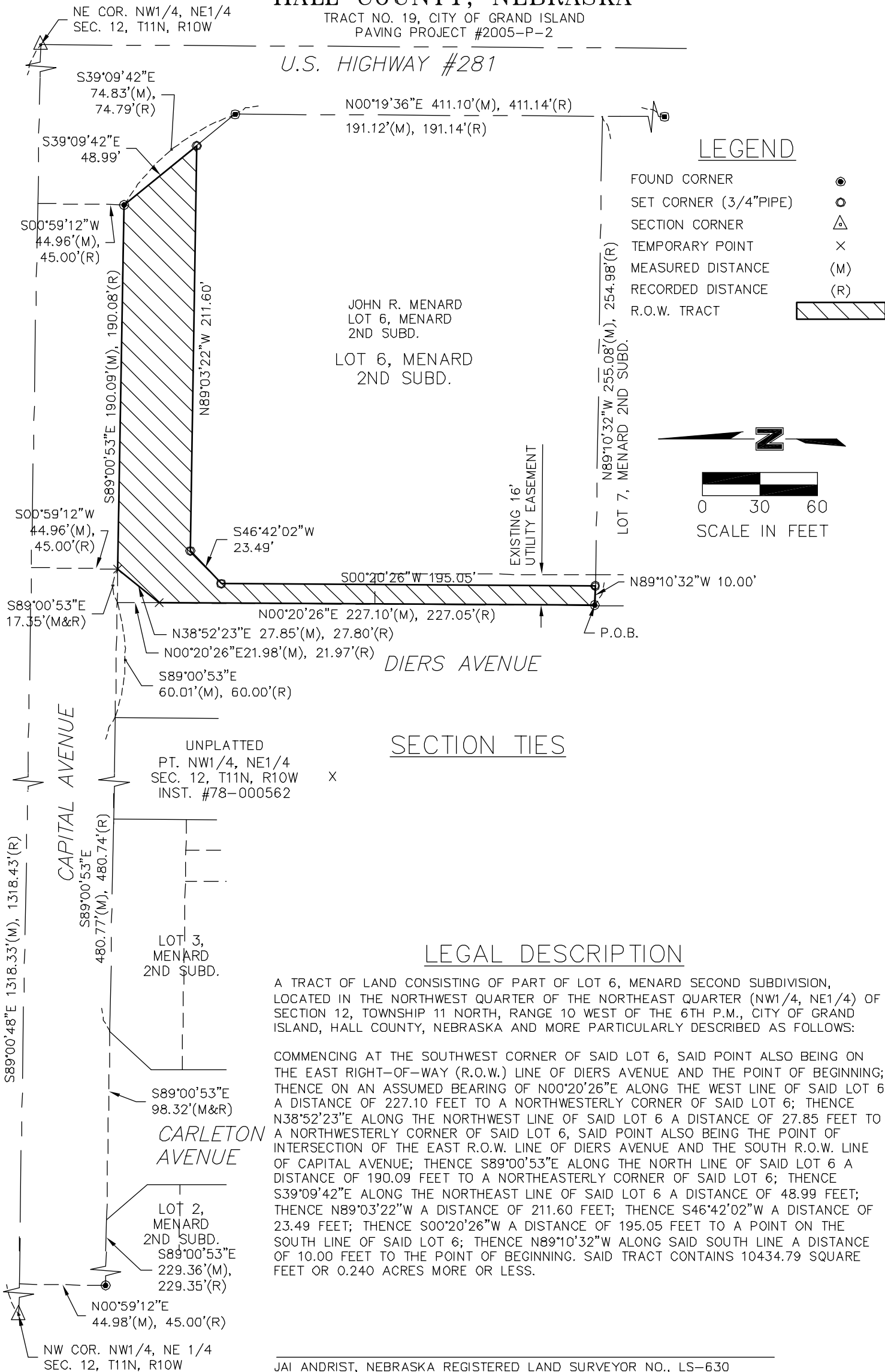
OA #2004-1226

Survey Record

HALL COUNTY, NEBRASKA

TRACT NO. 19, CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2

U.S. HIGHWAY #281



LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 6, MENARD SECOND SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4, 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 6, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF DIERS AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°20'26"E ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 227.10 FEET TO A NORTHWESTERLY CORNER OF SAID LOT 6; THENCE N38°52'23"E ALONG THE NORTHWEST LINE OF SAID LOT 6 A DISTANCE OF 27.85 FEET TO A NORTHWESTERLY CORNER OF SAID LOT 6, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE EAST R.O.W. LINE OF DIERS AVENUE AND THE SOUTH R.O.W. LINE OF CAPITAL AVENUE; THENCE S89°00'53"E ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 190.09 FEET TO A NORTHEASTERLY CORNER OF SAID LOT 6; THENCE S39°09'42"E ALONG THE NORTHEAST LINE OF SAID LOT 6 A DISTANCE OF 48.99 FEET; THENCE N89°03'22"W A DISTANCE OF 211.60 FEET; THENCE S46°42'02"W A DISTANCE OF 23.49 FEET; THENCE S00°20'26"W A DISTANCE OF 195.05 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 6; THENCE N89°10'32"W ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 10434.79 SQUARE FEET OR 0.240 ACRES MORE OR LESS.

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

DATE



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OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

TEMPORARY CONSTRUCTION EASEMENT

TRACT NO. 19, CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2

RIGHT-OF-WAY FOR
CITY OF GRAND ISLAND
PAVING PROJECT #2005-P-2

CAPITAL AVENUE

CAPITAL AVENUE
RIGHT-OF-WAY

N46°42'02"E
23.49'

S89°03'22"E 211.60'

S39°09'42"E
19.61'

N89°03'22"W 231.08'



DIERS AVENUE

N00°20'26"E 195.05'
S00°20'26"W 196.41'

JOHN R. MENARD
LOT 3, MENARD 2ND SUBD.
LOT 6,
MENARD 2ND SUBD.

EXISTING 16'
UTILITY EASEMENT

U.S. HIGHWAY #281

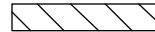
POINT OF
COMMENCEMENT
S89°11'04"E
10.00'

N89°11'04"W 10.00'
P.O.B.

LOT 7,
MENARD 2ND SUBD.

LEGEND

R.O.W. TRACT



TEMPORARY EASEMENT



EASEMENT DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF PART OF LOT 6 OF MENARD SECOND SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) 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 SOUTHWEST CORNER OF SAID LOT 6; THENCE ON AN ASSUMED BEARING OF S89°11'04"E ALONG THE SOUTH LINE OF SAID LOT 6 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE N00°20'26"E A DISTANCE OF 195.05 FEET; THENCE N46°42'02"E A DISTANCE OF 23.49 FEET; THENCE S89°03'22"E A DISTANCE OF 211.60 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 6; THENCE S39°09'42"E ALONG SAID NORTHEAST LINE A DISTANCE OF 19.61 FEET; THENCE N89°03'22"W A DISTANCE OF 231.08 FEET; THENCE S00°20'26"W A DISTANCE OF 196.41 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 6; THENCE N89°11'04"W ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 5347.50 SQUARE FEET OR 0.123 ACRES MORE OR LESS.

EXHIBIT "A"

LOT 6, MENARD 2ND SUBD.
CITY OF GRAND ISLAND,
HALL COUNTY, NE



OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

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