



# City of Grand Island

Tuesday, November 14, 2006

Council Session

## Item E5

**Public Hearing on Acquisition of Right-of-Way along 3426 W  
Capital Avenue (Robert D. Hancock and Patricia J. Hancock)**

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  
3426 W Capital Avenue (Robert D. Hancock and Patricia  
J. Hancock)

**Item #'s:** E-5 & G-9

**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 the property at 3426 W Capital 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**

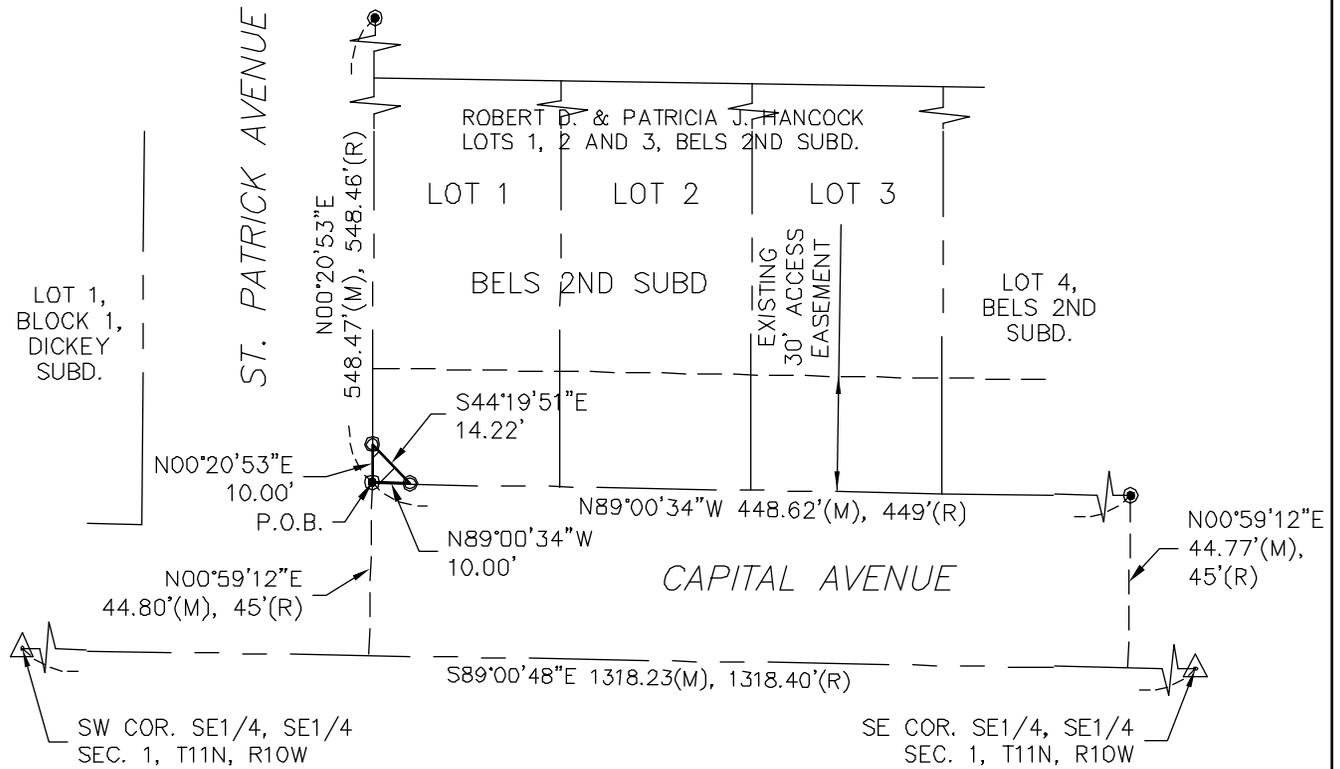
Motion to approve the acquisition of the Public Street Right-of-Way and the temporary construction easement, by eminent domain if necessary.



# Survey Record

## HALL COUNTY, NEBRASKA

TRACT NO. 6, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



### LEGEND

- FOUND CORNER
- SET CORNER (3/4" PIPE)
- SECTION CORNER
- MEASURED DISTANCE (M)
- RECORDED DISTANCE (R)
- R.O.W. TRACT



### SECTION TIES

X

### LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 1, BELS 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 SOUTHWEST CORNER OF SAID LOT 1, BELS SUBDIVISION, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF CAPITAL AVENUE AND THE EAST R.O.W. LINE OF ST. PATRICK AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°20'53"E ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 10.00 FEET; THENCE S44°19'51"E A DISTANCE OF 14.22 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, SAID LINE ALSO BEING THE NORTH R.O.W. LINE OF CAPITAL AVENUE; THENCE N89°00'34"W ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 50.00 SQUARE FEET OR 0.001 ACRES MORE OR LESS.

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

DATE



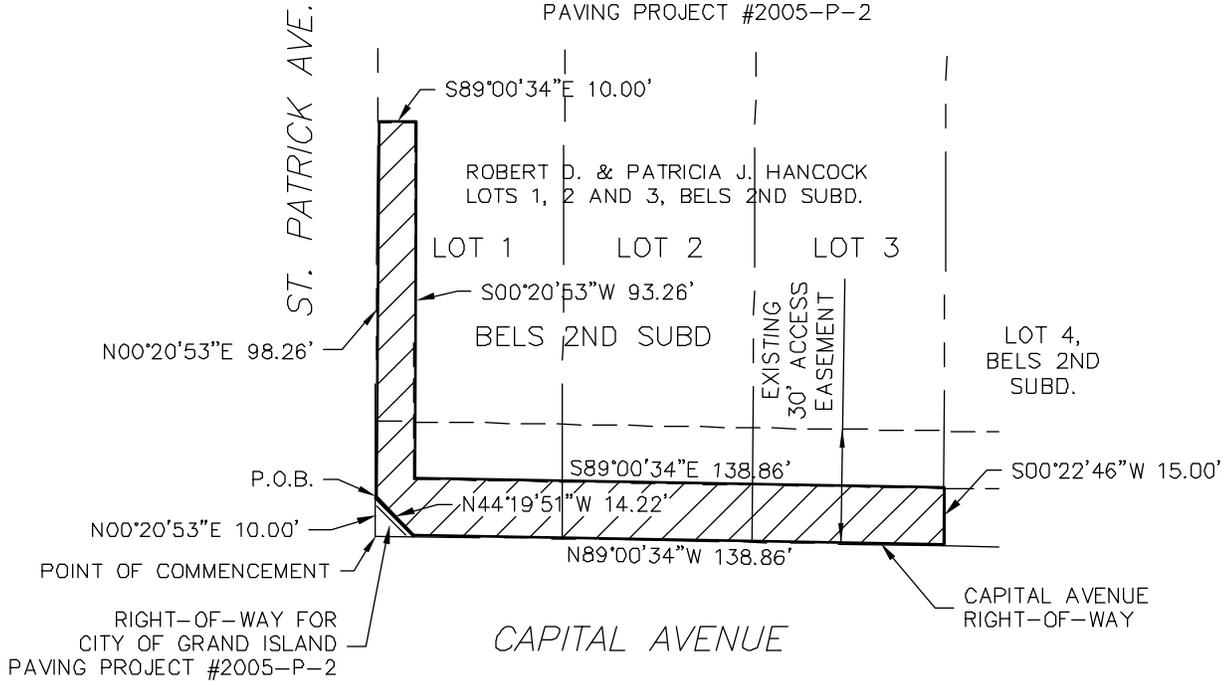
**OLSSON ASSOCIATES**

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. 6, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



## LEGEND

- R.O.W. TRACT
- TEMPORARY EASEMENT



## EASEMENT DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF PART OF LOTS 1, 2 AND 3 OF BELS SECOND 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 SOUTHWEST CORNER OF SAID LOT 1; THENCE ON AN ASSUMED BEARING OF N00°20'53"E ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°20'53"E ALONG SAID EAST LINE A DISTANCE OF 98.26 FEET; THENCE S89°00'34"E A DISTANCE OF 10.00 FEET; THENCE S00°20'53"W A DISTANCE OF 93.26 FEET; THENCE S89°00'34"E A DISTANCE OF 138.86 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE S00°22'46"W ALONG SAID EAST LINE A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°00'34"W ALONG THE SOUTH LINE OF SAID LOTS 1, 2 AND 3 A DISTANCE OF 138.86 FEET; THENCE N44°19'51"W A DISTANCE OF 14.22 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 3115.51 SQUARE FEET OR 0.072 ACRES MORE OR LESS.

EXHIBIT "A"

LOTS 1, 2 & 3, BELS 2ND SUBD.  
CITY OF GRAND ISLAND,  
HALL COUNTY, NE



**OLSSON ASSOCIATES**  
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

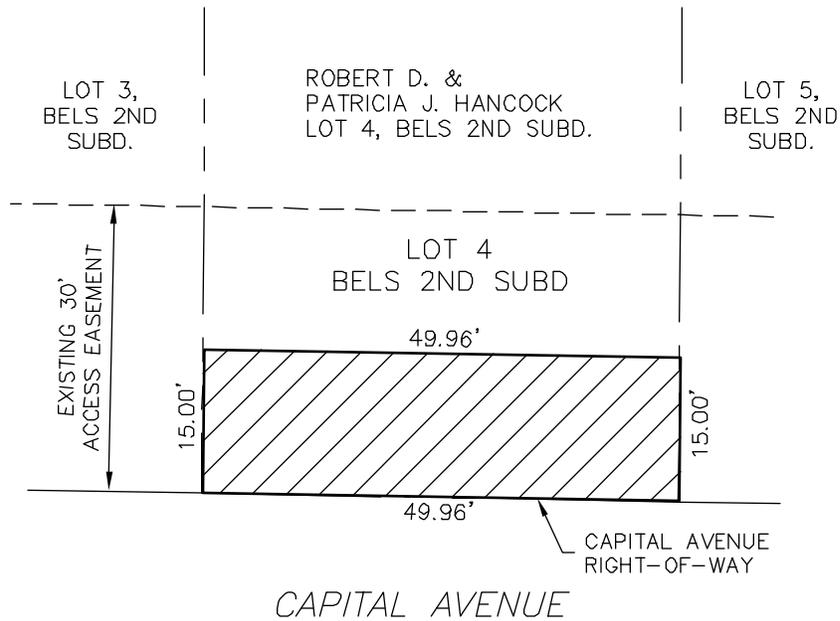
201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-8750 - FAX 308-384-8752  
OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

DATE:  
JUNE, 2005

OA #2004-1226

# TEMPORARY CONSTRUCTION EASEMENT

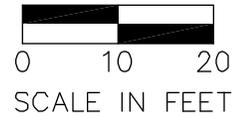
TRACT NO. 7, CITY OF GRAND ISLAND  
PAVING PROJECT #2005-P-2



## LEGEND

TEMPORARY EASEMENT 

N



## EASEMENT DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT CONSISTING OF PART OF LOT 4 OF BELS SECOND 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:

THE SOUTH 15.00 FEET OF SAID LOT 4. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 749.42 SQUARE FEET OR 0.017 ACRES MORE OR LESS.

6/25/05 4:00 P.M. FILE: \PROJECTS\20041226\DWG\PLATS\041226\_TEMP.DWG

EXHIBIT "A"

LOT 4, BELS 2ND SUBD.  
CITY OF GRAND ISLAND,  
HALL COUNTY, NE



**OLSSON ASSOCIATES**  
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

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