



# City of Grand Island

Tuesday, November 14, 2006

Council Session

## Item E6

**Public Hearing on Acquisition of Utility Easement along 3428 W  
Capital Avenue (Poland Oil, Inc. a.k.a. Sapp Bros)**

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 Utility Easement along  
3428 W Capital Avenue (Poland Oil, Inc.)

**Item #'s:** E-6 & G-10

**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. A permanent easement and a temporary construction easement is needed along the property at 3428 Capital Avenue for the widening of Capital Avenue from 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:

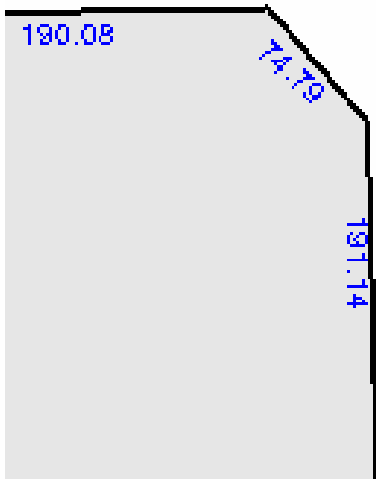
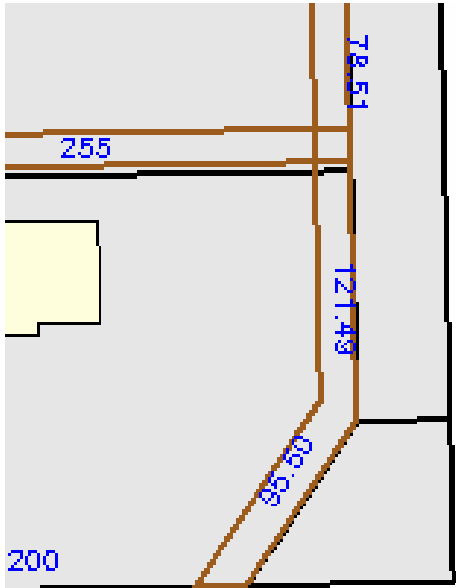
1. Move to approve the acquisition of the permanent easement and the temporary construction easement, by eminent domain if necessary.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

### **Recommendation**

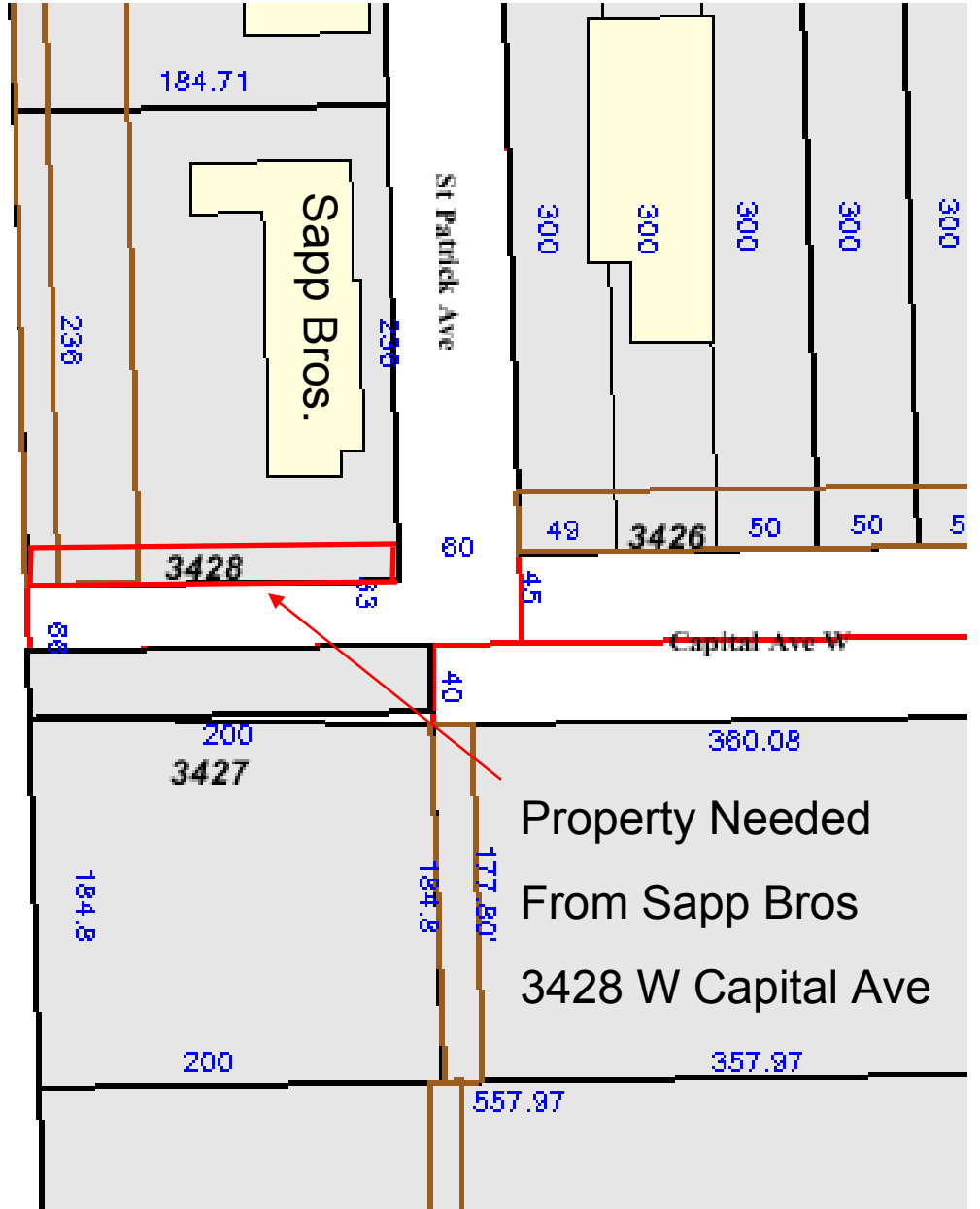
City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the permanent easement and the temporary construction easement, by eminent domain if necessary.

### **Sample Motion**

Motion to approve the acquisition of the permanent easement and the temporary construction easement, by eminent domain if necessary.

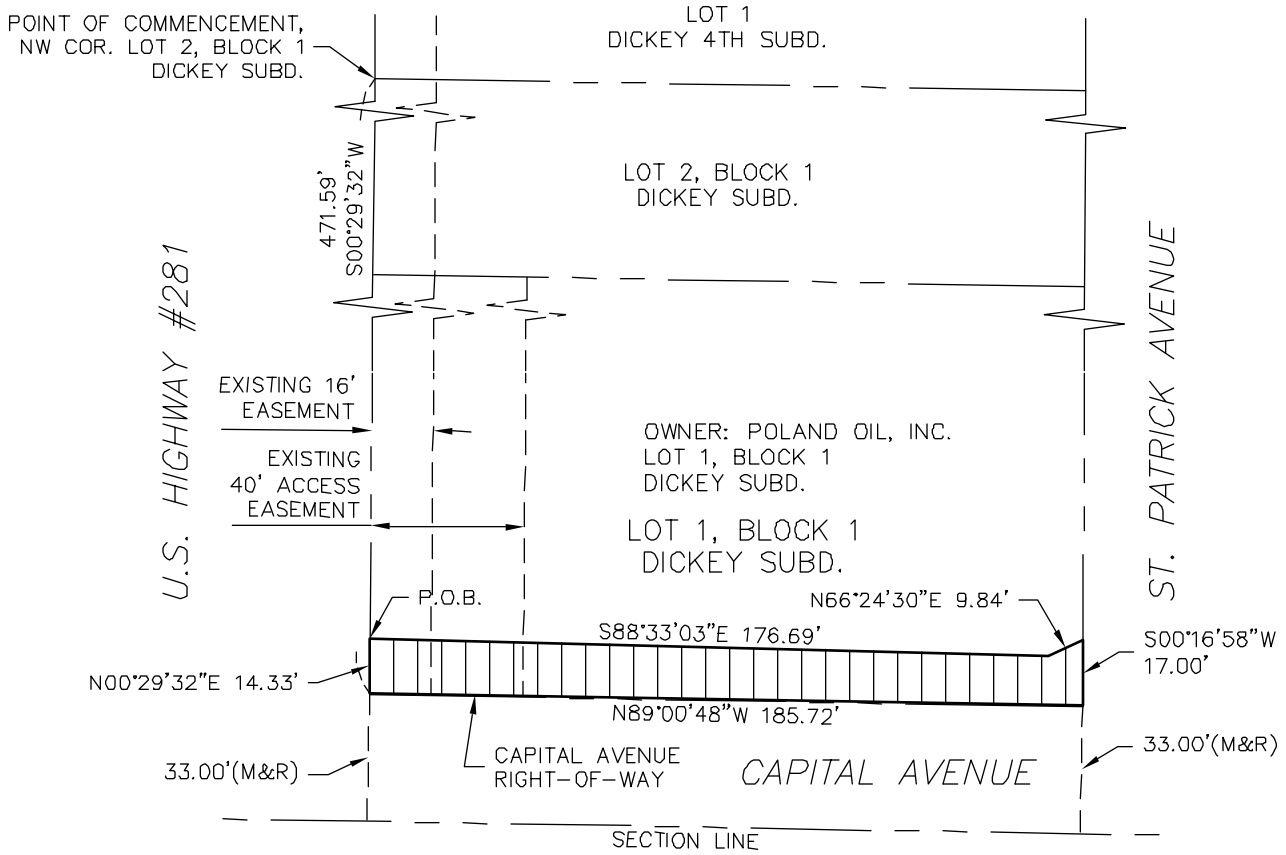


US Highway 281 N  
US Highway 281 N



# PUBLIC UTILITY & WALK EASEMENT

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



## LEGEND

UTILITY EASEMENT 



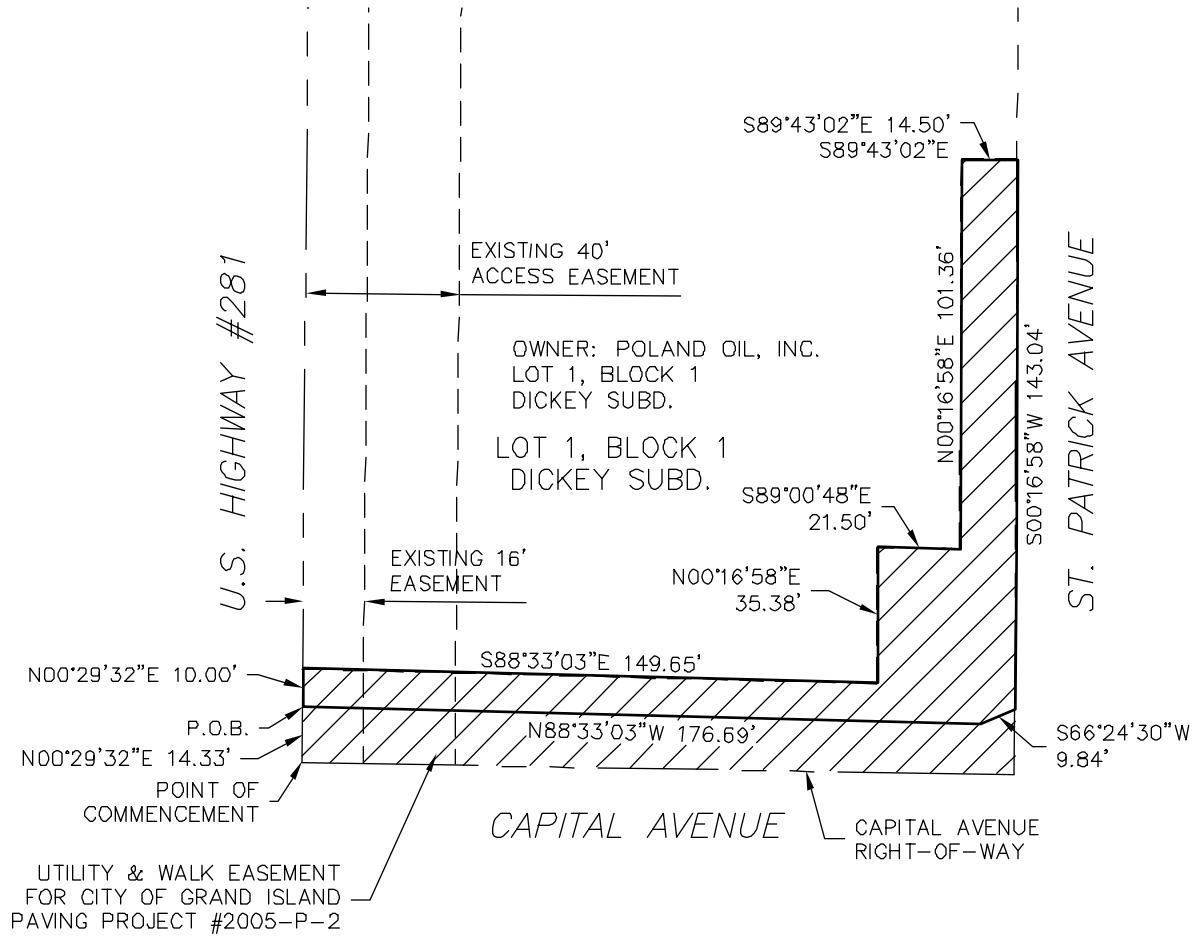
## EASEMENT DESCRIPTION

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:

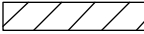

COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1 OF SAID DICKEY SUBDIVISION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF U.S. HIGHWAY #281; THENCE ON AN ASSUMED BEARING OF S00°29'32" W ALONG THE WEST LINE OF SAID LOTS 1 AND 2 A DISTANCE OF 471.69 FEET TO THE POINT OF BEGINNING; THENCE 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.

# TEMPORARY CONSTRUCTION EASEMENT

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



## LEGEND

- UTILITY/WALK EASEMENT 
- TEMPORARY EASEMENT 



## EASEMENT DESCRIPTION

A TEMPORARY CONSTRUCTION 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 SOUTHWEST CORNER OF SAID LOT 1; THENCE ON AN ASSUMED BEARING OF N00°29'32"E ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 14.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°29'32"E ALONG SAID WEST LINE A DISTANCE OF 10.00 FEET; THENCE S88°33'03"E A DISTANCE OF 149.65 FEET; THENCE N00°16'58"E A DISTANCE OF 35.38 FEET; THENCE S89°00'48"E A DISTANCE OF 21.50 FEET; THENCE N00°16'58"E A DISTANCE OF 101.36 FEET; THENCE S89°43'02"E A DISTANCE OF 14.50 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE S00°16'58"W ALONG SAID EAST LINE A DISTANCE OF 143.04 FEET; THENCE S66°24'30"W A DISTANCE OF 9.84 FEET; THENCE N88°33'03"W A DISTANCE OF 176.69 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 4587.82 SQUARE FEET OR 0.105 ACRES MORE OR LESS.

EXHIBIT "A"

LOT 1, BLK. 1, DICKEY 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