



City of Grand Island

Tuesday, November 14, 2006

Council Session

Item G10

**#2006-334 - Approving Acquisition of Utility Easement along 3428
W Capital Avenue (Poland Oil, Inc.)**

This item relates to the aforementioned Public Hearing Item E-6.

Staff Contact: Steven P. Riehle, Public Works Director

RESOLUTION 2006-334

WHEREAS, a permanent utility and sidewalk easement as well as a temporary construction easement is required by the City of Grand Island from Poland Oil, Inc., along the property at 3428 West Capital Avenue for the widening of Capital Avenue from the Moores Creek Drainway to Webb Road; and

WHEREAS, a public hearing was held on November 14, 2006, for the purpose of discussing the proposed acquisition of a permanent utility and sidewalk easement as well as a temporary construction easement along a tract of land consisting of Lot One (1), Block One (1), Dickey Subdivision, in the City of Grand Island, Hall County, Nebraska

WHEREAS, although city officials continue to negotiate with the affected property owners for the acquisition of such property for a permanent utility and sidewalk easement as well as a temporary construction easement, negotiations have not been successful; and

WHEREAS, it is recommended that the City Attorney be authorized to commence condemnation proceedings on behalf of the City of Grand Island for acquisition of a permanent utility and sidewalk easement as well as a temporary construction easement as described in Exhibit "A" for this project if such acquisition cannot be successfully negotiated; and

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

1. The City of Grand Island be, and hereby is, authorized to acquire a permanent utility and sidewalk easement as well as a temporary construction easement as described in Exhibit "A" attached hereto from Poland Oil, Inc.
2. If successful negotiations for the acquisition of property are not possible, the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire such property.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 14, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

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

Exhibit "A"

Acquisition of Property along the North Side of Capital Avenue
3428 W Capital Avenue
(Poland Oil, Inc. / a.k.a. Sapp Bros)

<p><u>TRACT 5</u> PERMANENT EASEMENT</p>	<p>A PUBLIC UTILITY AND SIDEWALK 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>
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<p><u>TRACT 5</u></p> <p>TEMPORARY EASEMENT</p>	<p>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:</p> <p>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.</p>
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