



City of Grand Island

Tuesday, November 14, 2006

Council Session

Item G8

#2006-332 - Approving Acquisition of Right-of-Way along the South Side of Capital Avenue (2490 Carlton Avenue, 2449 Carlton Avenue, and 2485 N Diers Avenue, John R. Menard)

This item relates to the aforementioned Public Hearing Item E-4.

Staff Contact: Steven P. Riehle, Public Works Director

RESOLUTION 2006-332

WHEREAS, a Public Street Right-of-Way and temporary construction easements are required by the City of Grand Island from John R. Menard, along the property at 2490 Carleton Avenue, 2449 Carleton Avenue, and 2485 North Diers 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 Public Street Right-of-Way and temporary construction easements along a tract of land consisting of Lots Two (2), Three (3), and Six (6) in Menards Second Subdivision in the City of Grand Island , Hall County, Nebraska.

WHEREAS, although city officials continue to negotiate with the affected property owner for the acquisition of such property for Public Street Right-of-Way and temporary construction easements, 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 Public Street Right-of-Way and temporary construction easements 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 Public Street Right-of-Way and temporary construction easements as described in Exhibit "A" attached hereto from John R. Menard.

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 ☐ _____
November 8, 2006 ☐ City Attorney

Exhibit "A"

Acquisition of Property along the South Side of Capital Avenue
2490 Carleton Avenue, 2449 Carleton Avenue and 2485 N Diers Avenue
(John R. Menard)

<p><u>TRACT 16</u> RIGHT-OF-WAY</p>	<p>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:</p> <p>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.</p>
<p><u>TRACT 16</u> TEMPORARY EASEMENT</p>	<p>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:</p> <p>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</p>

	<p>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.</p>
<p><u>TRACT 17</u> RIGHT-OF-WAY</p>	<p>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:</p> <p>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.</p>
<p><u>TRACT 17</u> TEMPORARY EASEMENT</p>	<p>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:</p>

	<p>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.</p>
<p><u>TRACT 19</u> RIGHT-OF-WAY</p>	<p>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:</p> <p>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.</p>

TRACT 19

**TEMPORARY
EASEMENT**

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.