



City of Grand Island

Tuesday, November 14, 2006

Council Session

Item G9

**#2006-333 - Approving Acquisition of Right-of-Way along 3426 W
Capital Avenue (Robert D. Hancock and Patricia J. Hancock)**

This item relates to the aforementioned Public Hearing Item E-5.

Staff Contact: Steven P. Riehle, Public Works Director

RESOLUTION 2006-333

WHEREAS, a Public Street Right-of-Way and temporary construction easements are required by the City of Grand Island from Robert D. Hancock and Patricia J. Hancock, husband and wife, along the property at 3426 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 Public Street Right-of-Way and temporary construction easements along a tract of land consisting of Lots One (1), Two (2), Three (3) and Four (4) in Bels Second 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 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 Robert D. Hancock and Patricia J. Hancock.

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

<p><u>TRACT 6</u></p> <p>RIGHT-OF-WAY</p>	<p>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:</p> <p>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.</p>
<p><u>TRACT 6</u></p> <p>TEMPORARY EASEMENT</p>	<p>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:</p> <p>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</p>

	<p>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.</p>
<p><u>TRACT 7</u> TEMPORARY EASEMENT</p>	<p>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:</p> <p>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.</p>