



City of Grand Island

Tuesday, May 22, 2007

Council Session

Item E3

**Public Hearing Concerning Acquisition of Utility Easement
Located on the West Side of the Riverbend Apartments
Development Project on Husker Highway - Schoel**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Wesley Nespor, Asst. City Attorney/Purchasing

Meeting: May 22, 2007

Subject: Acquisition of Utility Easement – North and West of
Husker Highway and US 281 - Schoel

Item #'s: E-3 & G-6

Presenter(s): Gary R. Mader, Utilities Director

Background

Pedcor Investments is developing the property north and west of Husker Highway and US Highway 281. The property was subdivided into Pedcor Subdivision and Pedcor 2nd Subdivision. The development is more commonly known as Riverbend Apartments

As part of the development, water and sewer lines were installed along the western boundary of the property. Easements were given to the City as part of the Subdivision for those utilities. During construction, a fence between the farmer to the west and Riverbend was removed and replaced upon completion. The fence is placed in its historical location which intrudes onto Pedcor property, and is on top of the new water line. Pedcor and the adjoining landowner have reached an amicable understanding to leave the fence where it is.

Discussion

Since the farmer has a property interest in the location of the water line, the City Attorney believes a simple easement signed by the farmer will be sufficient to protect the City's interest to legally maintain the water line.

The attached easement will insure the City's rights and will still allow the farmer to continue the farming interest he has historically enjoyed.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
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 approve the easement and the payment of one dollar for that right.

Sample Motion

Motion to approve acquisition of utility easement.

