



City of Grand Island

Tuesday, November 13, 2007

Council Session

Item G22

**#2007-289 - Approving Right-of-Way Acquisition Certification for
Capital Avenue Widening Project**

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Wesley D. Nespor, Attorney
Meeting: November 13, 2007
Subject: Certificate of Rights-of-Way Acquisition
Item #'s: G-22
Presenter(s): Dale Shotkoski, City Attorney

Background

One of the initial phases of the Capital Avenue widening project was the acquisition of permanent rights-of-way and temporary easements from the abutting landowners. Since other agencies are participating in the project, periodic reports and certificates must be made to them. One such document is a certificate that the City of Grand Island has now obtained all the rights-of-way and easements necessary to move forward to the next phase.

Discussion

The City had obtained, through voluntary means, the necessary rights-of-way on all but four tracts of land. Condemnation proceedings concerning these four tracts were filed in the Hall County Court, a hearing was held, and an appraiser's award was entered and recorded with the Register of Deeds. Even though the owners have appealed the award to the District Court, the rights-of-way and easements are now vested in the City. The statutes are written this way so that projects are not delayed by lengthy legal proceedings regarding the amount to be paid for the land needed by the City. The City is now in a position to certify to the other participating agencies that the rights-of-way and easements have been acquired.

Alternatives

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

1. Approve the resolution authorizing the Mayor to certify the acquisitions.
2. Continue the issue to a later date.

Recommendation

City Administration recommends that the Council approve the resolution authorizing the Mayor to certify the acquisition of the Capital Avenue rights-of-way.

Sample Motion

Move to approve the resolution authorizing the Mayor to certify the acquisition of the Capital Avenue rights-of-way and easements.

**RIGHT OF WAY CERTIFICATE
FOR COUNTY OR CITY FEDERAL AID HIGHWAY PROJECT**

TO: THE NEBRASKA DEPARTMENT OF ROADS

FEDERAL AID PROJECT NO.: STPAA-5436(4) C.N. 42427

NAME OF PROJECT: CAPITAL AVENUE PAVING IMPROVEMENTS

DESCRIPTION OF PROJECT: The project consists of reconstructing approximately 2,800 linear feet Capital Avenue from the Moores Creek drainway to just east of Webb Road.

This is to certify that the necessary right-of-way for said project has all been acquired in compliance with the provisions of Title III of the UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT of 1970.

All encroachments including improvements and signs have been removed from the right-of-way.

All necessary moving, lowering or rearranging of pipelines, pole lines and other utility lines have been completed or provisions made for such work to be completed by prior to or concurrent with construction.

Relocation assistance was not required for this project.

The right-of-way is now available for immediate construction and it is recommended that said project be advanced to letting stage.

DATED this 13th day of November, 2007.

CITY OF GRAND ISLAND
CERTIFIED BY:

Margaret Hornady, Mayor

ATTEST:

RaNae Edwards, City Clerk

RESOLUTION 2007-289

WHEREAS, the acquisition of permanent and temporary easements have been obtained from abutting landowners by the City of Grand Island in the Capital Avenue Widening Project; and

WHEREAS, it is necessary that the city certify to other participating agencies in the Capital Avenue Widening Project that the permanent and temporary easements have been acquired.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island has obtained the necessary permanent and temporary easements from abutting landowners for the Capital Avenue Widening Project; and the Mayor is hereby authorized and directed to certify the acquisition of the rights-of-way and easements on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 13, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

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| Approved as to Form | ☐ _____ |
| November 8, 2007 | ☐ City Attorney |