



City of Grand Island

Tuesday, November 27, 2007

Council Session

Item F4

#9152 - Consideration of Conveyance of Property Located on the South Boundary Line of the Webb Road Soccer Field to Funk, LLC

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

Staff Contact: Steve Paustian

ORDINANCE NO. 9152

An ordinance directing and authorizing an exchange of real estate with Funk Family, LLC; dedication of easement and streets; providing for the giving of notice of such conveyance and the terms thereof; providing for the right to file a remonstrance against such conveyance; providing for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. The City of Grand Island, Nebraska, will convey to FUNK FAMILY, LLC a tract of land comprising of:

A tract of land comprising a part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty Four (24), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$); thence S00°14'27"W on and upon the east line of said East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) a distance of Fifty Five and Ninety Two Hundredths (55.92) feet to a point, thence S58°59'56"W on and upon the south right-of-way line of the Union Pacific Railroad Company a distance of Thirty Eight and Thirty Seven Hundredths (38.37) feet to a point on the west right-of-way line of Webb Road; thence S00°15'00"W on and upon the west right-of-way line of Webb Road a distance of One Thousand One Hundred Ninety Eight and Twenty Hundredths (1198.20) feet to the Point of Beginning; thence N 87°00'13"W a distance of Six Hundred Thirteen and Ninety Six Hundredths (613.96) feet to a point; thence S00°29'39"E a distance of Fifteen and Eight Hundredths (15.08) feet to a point; thence S87°10'48"E a distance of Six Hundred Thirteen and Sixty Eight Hundredths (613.68) feet to a point on the west right-of-way line of Webb Road; thence N00°15'00"E on and upon the west right-of-way line of Webb Road a distance of Thirteen and Eighteen Hundredths (13.18) feet to the Point of Beginning. Said tract contains 8,663.3939 square feet more or less.

SECTION 2. The consideration for such conveyance shall be conveyance to the City of Grand Island the following real estate:

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A tract of land comprising a part of the East Half of the Southeast Quarter (E½SE¼) of Section Twenty Four (24), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., City of Grand Island, Hall County, Nebraska, more particularly described as:

Commencing at the northeast corner of said East Half of the Southeast Quarter (E½SE¼); thence S00°14'27"W on and upon the east line of said East Half of the Southeast quarter (E½SE¼) a distance of Fifty Five and Ninety Two Hundredths (55.92) feet to a point; thence S58°59'56"W on and upon the south right-of-way line of the Union Pacific Railroad Company a distance of Thirty Eight and Thirty Seven Hundredths (38.37) feet to a point on the west right-of-way line of Webb Road; thence S00°15'00"W on and upon the west right-of-way line of Webb Road a distance of One Thousand One Hundred Ninety Eight and Twenty Hundredths (1198.20) feet to a point; thence N87°00'13"W a distance of Six Hundred Thirteen and Ninety Six Hundredths (613.96) feet to the Point of Beginning; thence continuing the aforesaid bearing a distance of Five Hundred and Twelve Hundredths (500.12) feet to a point on the east right-of-way line of U.S. Highway #281; thence N01°01'00"W on and upon the east right-of-way line of U.S. Highway #281 a distance of Sixteen and Fifty Three Hundredths (16.53) feet to a point; thence S87°11'41"E a distance of Five Hundred and Seventeen Hundredths (500.17) feet to a point; thence S00°29'39"E a distance of Eighteen and Nineteen Hundredths (18.19) feet to the Point of Beginning. Said tract contains 8,665.6757 square feet more or less.

Conveyance of the real estate above described shall be by warranty deed, upon payment of the consideration pursuant to the terms and conditions of an Agreement for Warranty Deed between the parties.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish said notice.

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by registered voters of the City of Grand Island

ORDINANCE NO. 9152 (Cont.)

equal in number to thirty percent of the registered voters of the City of Grand Island voting at the last regular municipal election held in such City be filed with the City Council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor shall make, execute and deliver to FUNK FAMILY, LLC, a warranty deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 6. The City of Grand Island shall dedicate streets and easements as set forth in Hwy 281 Subdivision Agreement and final plat.

SECTION 7. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 27, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk