



City of Grand Island

Tuesday, November 18, 2008

Council Session

Item F1

**#9198 - Consideration of Annexation Property Located at 908 East
Capital Avenue (Final Reading)**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: November 18, 2008

Subject: Annexation - Ordinance (Third Reading)

Item #'s: F-1

Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

Annexation of land, located in the S ½ of the SW ¼ 3-11-09 (908 E. Capital Avenue) into the Grand Island City Limits see the attached map. The owner of this property petitioned Council to consider annexation of this property. He desires to hook this property up to city sewer services.

Discussion

On September 3, 2008 the Hall County Regional Planning Commission held a public hearing before considering this matter.

No members of the public testified at the hearing held by the Regional Planning Commission.

This property is adjacent to and contiguous with the Grand Island City along a portion of its southern property line (Capital Avenue).

Water is available to the property included in this annexation request. Sewer is available to the property. This property is within the Grand Island Utilities Electrical Service District. This property is within the Grand Island School District. Annexing this property **will not** impact the two mile extraterritorial jurisdiction of Grand Island.

This is the third reading of the ordinance to annex property.

Alternatives

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

1. Approve the annexation as presented
2. Modify the annexation to meet the wishes of the Council
3. Table the issue

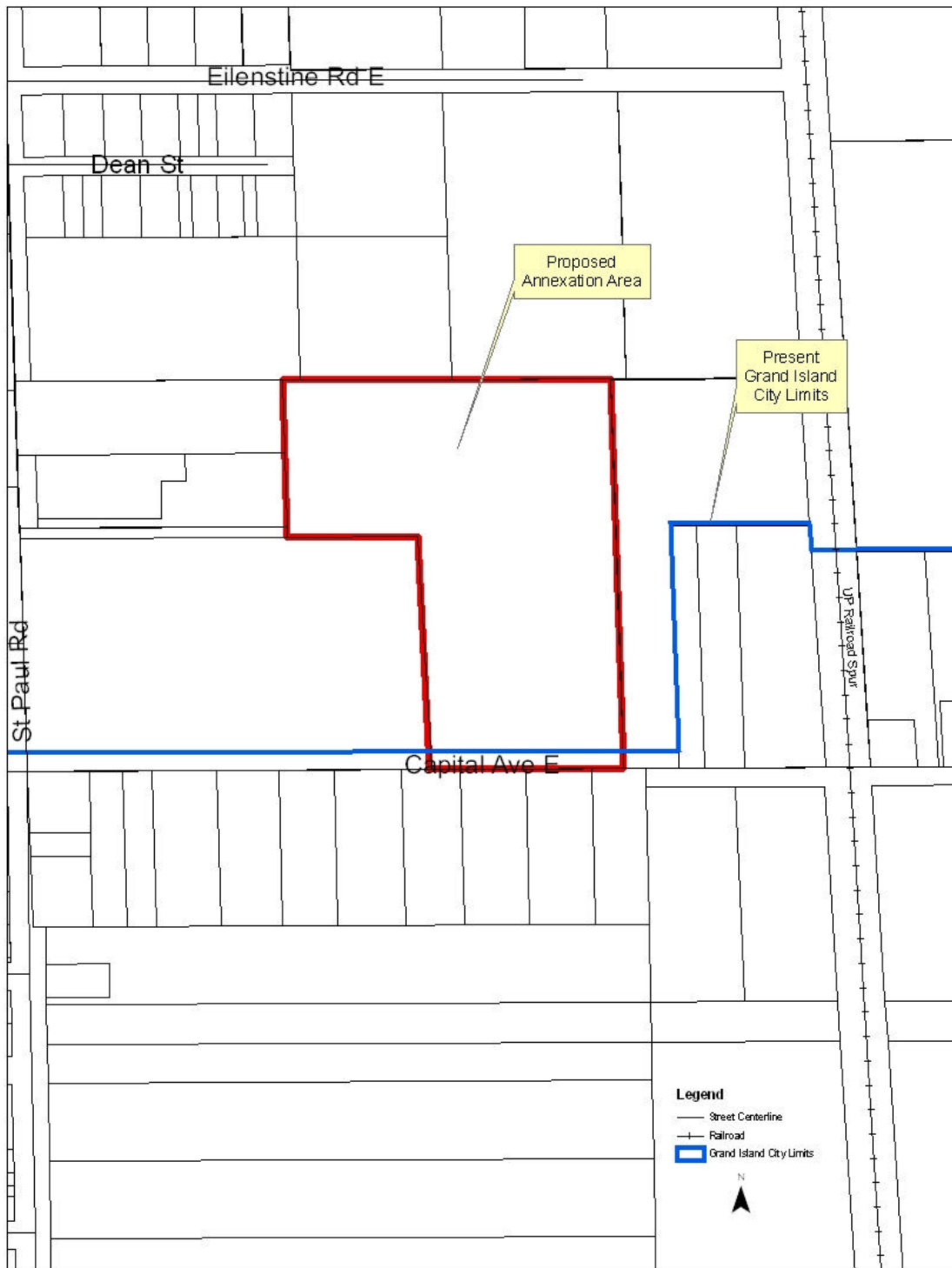
Recommendation

A motion was made by Ruge to approve the annexation request and seconded by Miller.

A roll call vote was taken and the motion passed with 10 members present (Miller, O'Neill, Ruge, Reynolds, Hayes, Eriksen, Monter, Haskins, Bredthauer, Snodgrass) all voting in favor.

Sample Motion

Approve the annexation as Submitted



* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9198

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land North of Capital Avenue in the Southwest Quarter (SW1/4) of Section Three (3) in Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County in the area of 908 East Capital Avenue, Nebraska as more particularly described hereinafter; to provide service benefits thereto; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after public hearing on September 3, 2008, the Regional Planning Commission recommended the approval of annexing into the City of Grand Island, the following tracts of land in Hall County, Nebraska:

Beginning at a point 843.8 feet East of the Southwest Corner of Section Three (3), Township Eleven (11) North, Range Nine (9) West of the 6th P.M.; running thence North on a line parallel with the Section line 516 feet; thence East on a line parallel with the Section line 421.4 feet; thence South parallel with the Section line 516 feet to the South line of said Section; thence West along said Section line 421.4 feet to the place of beginning.

AND

Commencing at a point 452.8 feet West of the center of the Omaha and Republican Valley Railroad now known as the Ord Branch of the Union Pacific

Approved as to Form	<input type="checkbox"/> _____
November 13, 2008	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9198 (Cont.)

Railroad Company, and the Northeast Corner of the North Twelve (12) acres, more or less of the South Thirty Two (32) acres of that part of the Southwest Quarter (SW1/4) of Section Three (3) in Township Eleven (11) North, Range Nine (9), West of the 6th P.M., and lying West of said Railroad; thence running in a Southerly direction 312.5 feet; thence in a Westerly direction 697.0 feet; thence in a Northerly direction 312.5 feet; thence in an Easterly direction 697.0 feet to the place of beginning.

WHEREAS, after public hearing on October 28, 2008, the City Council of the City of Grand Island found and determined that such annexation be approved; and

WHEREAS, on October 28, 2008, the City Council of the City of Grand Island approved such annexation on first reading.

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

SECTION 1. It is hereby found and determined that:

(A) The above-described tracts of land are urban or suburban in character, and that the subject properties are contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed and that the extraterritorial zoning jurisdiction is extended as allowed by law.

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience

ORDINANCE NO. 9198 (Cont.)

and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2008-274 is hereby approved and ratified as amended.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

SECTION 3. The subject tract of land is hereby annexed to the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted by herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 9198 (Cont.)

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: November 18, 2008.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk