



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item E1

**Public Hearing on Walk to Walnut Safe Routes to School**

Staff Contact: Steve Riehle, City Engineer/Public Works Director

# **Council Agenda Memo**

**From:** Steven P. Riehle, Public Works Director

**Meeting:** February 24, 2009

**Subject:** Public Hearing on Walk to Walnut Safe Routes to School

**Item #'s:** E-1

**Presenter(s):** Steven P. Riehle, Public Works Director

## **Background**

A permanent easement is needed from the nearby park to allow for the driveway to Walnut Middle School to be re-aligned with the 15<sup>th</sup> Street and Custer Avenue intersection in connection with the Walk to Walnut Safe Routes to School project. The easement crosses park land and therefore falls under 4(f) regulations. The easement also displaces improvements that fall under 6(f) regulations.

The U.S. Department of Transportation's Section 4(f) law (49 USC 303) states that federal funds may not be approved for projects that use land from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless it is determined that there is no feasible and prudent alternative to the use of land from such properties and the action includes all possible planning to minimize harm to the property resulting from such use.

Section 6(f) of the Land and Water Conservation Fund (L&WCF) Act states that property purchased or developed with funds under the act may not be converted to other than outdoor public recreation uses. The Act also states that land required from such properties must be replaced with property of at least equal fair market value and of reasonably equivalent usefulness and location, or be compensated through other means in consultation with DNR, the agency responsible for administering L&WCF funds and other aspects of the Act.

## **Discussion**

The playground equipment and improvements at the detention cells that were built both south and north of Walnut Middle School were partially paid for with federal 6(f) funds. The easement for the proposed driveway to Walnut Middle School displaces some of the detention cell land. The displaced land will have to be replaced. Federal regulations

require a public process with public notice to convert the 4(f) and 6(f) park land to other uses.

### **Alternatives**

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

1. Conduct a public hearing
2. No action would result in stopping the project

### **Recommendation**

Public Works Administration recommends that the Council conduct a Public Hearing to gather public comments.

### **Sample Motion**

Not applicable.