



# City of Grand Island

Tuesday, May 26, 2015

Council Session

## Item G-9

**#2015-137 - Approving Certificate of Final Completion and Scheduling the Board of Equalization for Fence Removal at 904 W Phoenix Avenue**

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** May 26, 2015

**Subject:** Approving Certificate of Final Completion and Scheduling the Board of Equalization for Fence Removal at 904 W Phoenix Avenue

**Item #'s:** G-9

**Presenter(s):** John Collins PE, Public Works Director

## Background

On April 15, 2014 a letter was sent to the property owner, by the Public Works Department, concerning a fence in the public right of way causing a sight obstruction to vehicular traffic at 904 West Phoenix Avenue (Lot 1, Block 1, Glover's Subdivision, Grand Island, Hall County, Nebraska). The letter stated the section of fence in the public right of way needed to be removed by May 15, 2014 to prevent accident or injury to citizens traveling through the intersection of Phoenix Avenue and Clark Street. Section 20-11 of the City Code addresses obstructing the public right of way.

With no response from the property owner regarding such violation the City Attorney's Office sent a letter on July 17, 2014 requiring the fence in the public right of way be removed by July 25, 2014. If such action was not taken by the property owner the letter stated the City would remove the fence and bill them for the cost of the removal. A notice was posted by City staff at the subject property on the same date of July 17, 2014.

## Discussion

The fence in the public right of way at 904 West Phoenix Avenue was removed to conform to City Code, as well as to enhance public safety for vehicular traffic, on April 10, 2015 by Galvan Construction, Inc. for the amount of \$500.00.

The cost for this fence removal will be assessed to the subject property of 904 West Phoenix Avenue. The payments will be spread over five (5) years at 7% simple interest. The first payment of principle only at 1/5<sup>th</sup> of the assessment is due 10 days after filing of the ordinance that levies the costs as approved at the Board of Equalization. The City has had multiple correspondences with the property owner and will send a reminder letter

advising them that the Board of Equalization is scheduled for June 23, 2015; the first payment will be due shortly after.

### **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 Certificate of Final Completion for removal of fence in the public right of way at 904 West Phoenix Avenue and set the Board of Equalization date of June 23, 2015.

### **Sample Motion**

Move to approve the Certificate of Final Completion and set the Board of Equalization for removal of fence in the public right of way at 904 West Phoenix Avenue.

**ENGINEER'S CERTIFICATE OF FINAL COMPLETION**

Fence Removal from Public Right of Way at 904 West Phoenix Avenue  
CITY OF GRAND ISLAND, NEBRASKA  
May 26, 2015

TO THE MEMBERS OF THE COUNCIL  
CITY OF GRAND ISLAND  
GRAND ISLAND, NEBRASKA

This is to certify that fence removal from the public right of way at 904 West Phoenix Avenue has been fully completed by Galvan Construction, Inc. of Grand Island, Nebraska. The work has been completed in accordance with the terms, conditions, and stipulations of said work. The work is hereby accepted for the City of Grand Island, Nebraska, by me as City Engineer/Public Works Director in accordance with the provision of City Code Section 20-11; Obstruction Public Right of Way.

**Fence Removal from Public Right of Way at 904 West Phoenix Avenue**

<u>No.</u>	<u>Description</u>	<u>Lump Sum Price</u>	<u>Total Cost</u>
1	Fence removal from public right of way	\$500.00	\$500.00
<b>TOTAL COST – FENCE REMOVAL FROM PUBLIC RIGHT OF WAY AT 904 WEST PHOENIX AVENUE</b>			<b>\$500.00</b>
<b>LESS AMOUNT PREVIOUSLY PAID CONTRACTOR</b>			<b>\$ 0.00</b>
<b>BALANCE DUE CONTRACTOR THIS FINAL PAYMENT</b>			<b>\$500.00</b>
<b>TOTAL COST OF FENCE REMOVAL FROM PUBLIC RIGHT OF WAY AT 904 WEST PHOENIX AVENUE</b>			<b>\$500.00</b>
Amount Assessable to Property Owner			\$500.00

Respectfully Submitted,

John Collins, P.E.  
Public Works Director

I hereby recommend that the Engineer's Certificate of Final Completion for fence removal from the public right of way at 904 West Phoenix Avenue be approved.

I further recommend that the City Council sit as a Board of Equalization on June 23, 2015 to determine benefits and levy special assessments.

Respectfully Submitted,

Jeremy L. Jensen  
Mayor

RESOLUTION 2015-137

WHEREAS, the City Engineer/Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for fence removal from the public right of way at 904 West Phoenix Avenue, certifying that Galvan Construction, Inc. of Grand Island, Nebraska has completed such project according to the terms, conditions, and stipulations for such work; and

WHEREAS, the City Engineer/Public Works Director recommends the acceptance of the Certificate of Final Completion for fence removal from the public right of way at 904 West Phoenix Avenue; and

WHEREAS, the Mayor concurs with the recommendations of the City Engineer/Public Works Director.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The City Engineer/Public Works Director's Certificate of Final Completion for fence removal in the public right of way at 904 West Phoenix Avenue, is hereby confirmed.
2. The City Council will sit as a Board of Equalization on June 23, 2015 to determine benefits and set assessments for fence removal in the public right of way at 904 West Phoenix Avenue.

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Adopted by the City Council of the City of Grand Island, Nebraska, May 26, 2015.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☒ _____
May 22, 2015	☒ City Attorney