



# City of Grand Island

Tuesday, June 23, 2015

Council Session

## Item D-1

**#2015-BE-2 - Consideration of Determining Benefits and Levy  
Special Assessments for Fence Removal from Public Right of Way  
at 904 West Phoenix Avenue**

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

# Council Agenda Memo

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

**Meeting:** June 23, 2015

**Subject:** Consideration of Determining Benefits and Levy Special Assessments for Fence Removal from Public Right of Way at 904 West Phoenix Avenue

**Item #'s:** D-1 & F-4

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

## Background

The Certificate of Final Completion for fence removal from the public right of way at 904 West Phoenix Avenue was approved by City Council on May 26, 2015, via Resolution No. 2015-137. June 23, 2015 was set as the date for Council to sit as the Board of Equalization. Through informal bids Galvan Construction, Inc. of Grand Island, Nebraska was hired to remove the fence from the public right of way. Work was completed at a price of \$500.00. All work has been completed and special assessments have been calculated for the improvements.

## Discussion

The costs for this project will be assessed to the adjacent property. The payments are 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 sent a reminder letter advising them that the BOE is scheduled for June 23, 2015 and 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**

Public Works Administration recommends that the Council meet as the Board of Equalization to determine benefits and pass an ordinance to levy Special Assessments to the individual property.

### **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for fence removal from the public right of way at 904 West Phoenix Avenue.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for fence removal from the public right of way at 904 West Phoenix Avenue.

STATE OF NEBRASKA    )  
                                  ) ss  
COUNTY OF HALL        )

**AFFIDAVIT OF MAILING**

RaNae Edwards, City Clerk, being first duly sworn on oath, deposes and says that she is the duly appointed and acting City Clerk of the City of Grand Island, Nebraska, and that on June 3, 2015, she mailed copies of the "Notice of Board of Equalization Hearing – Fence Removal from Public Right of Way at 904 West Phoenix Avenue", which notice was first published in the Grand Island Independent on June 2, 2015, to the following named parties:

John J. & Shirley M. Pascoe  
912 West Phoenix Avenue  
Grand Island, NE 68801

Such communications were properly posted and deposited in the United States mail.

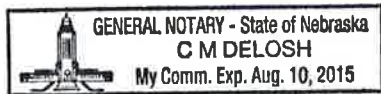
Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

Affiant further states that she, and her attorney, after diligent investigation and inquiry, were unable to ascertain and does not know the post office address of any other party appearing to have a direct legal interest in the proceedings other than the above parties to whom notice has been mailed.

DATED: June 3, 2015

  
\_\_\_\_\_  
RaNae Edwards, City Clerk

Subscribed and sworn to before me this 3<sup>rd</sup> date June, 2015.



  
\_\_\_\_\_  
Notary Public

NOTICE OF  
BOARD OF EQUALIZATION HEARING

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

NOTICE is hereby given to all persons owning real estate at 904 West Phoenix Avenue in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on June 23, 2015 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the fence removal from the public right of way therein. All owners of real estate within said fence removal area, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council, Grand Island, Nebraska.

RaNae Edwards, City Clerk

Publication Dates:

June 2, 2015

June 9, 2015

June 16, 2015

## CLASSIFIED 7B

**NOTICE OF  
BOARD OF EQUALIZATION  
HEARING**

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

NOTICE is hereby given to all persons owning real estate at 904 West Phoenix Avenue in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on June 23, 2015 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the fence removal from the public right of way therein. All owners of real estate within said fence removal area, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council,  
Grand Island, Nebraska.

RaNae Edwards,  
City Clerk

2-9-16

DRAFT

This Space Reserved for Register of Deeds

ORDINANCE NO. \_\_\_\_\_

An ordinance assessing and levying a special tax to pay the cost of fence removal from the public right of way at 904 West Phoenix Avenue of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide 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. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of fence removal from the public right of way at 904 West Phoenix Avenue, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
John J. & Shirley M. Pascoe	Lot 1, Block 1, Glover's Subdivision City of Grand Island, Hall County, Nebraska	\$500.00
<b>TOTAL</b>		<b>\$500.00</b>

Approved as to Form  \_\_\_\_\_  
June 3, 2015  City Attorney

DRAFT

ORDINANCE NO. \_\_\_\_\_ (Cont.)

SECTION 2. The special tax shall become delinquent as follows: One-fifth of the total amount shall become delinquent in ten days; one-fifth in one year; one-fifth in two years; one-fifth in three years; one-fifth in four years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within ten days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of three-fourths of one percent per month shall be paid thereon as in the case of other special taxes, until the same is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. 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: June 23, 2015

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk



RESOLUTION 2013

DRAFT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for fence removal from public right of way at 904 West Phoenix Avenue, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$500.00; and

Such benefits are based on fence removal from the public right of way at the adjacent property; and

According to the actual cost of fence removal from public right of way adjacent to the respective lots, tracts, and real estate within such fence removal area, such benefits are the sums set opposite the description as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
John J. & Shirley M. Pascoe	Lot 1, Block 1, Glover's Subdivision City of Grand Island, Hall County, Nebraska	\$500.00
<b>TOTAL</b>		<b>\$500.00</b>

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Adopted by the City Council of the City of Grand Island, Nebraska, June 23, 2015.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
June 3, 2015	<input type="checkbox"/>	City Attorney

RESOLUTION 2015-BE-2

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for fence removal from public right of way at 904 West Phoenix Avenue, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$500.00; and

Such benefits are based on fence removal from the public right of way at the adjacent property; and

According to the actual cost of fence removal from public right of way adjacent to the respective lots, tracts, and real estate within such fence removal area, such benefits are the sums set opposite the description as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
John J. & Shirley M. Pascoe	Lot 1, Block 1, Glover's Subdivision City of Grand Island, Hall County, Nebraska	\$500.00
<b>TOTAL</b>		<b>\$500.00</b>

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 23, 2015.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form    ☒ \_\_\_\_\_  
June 19, 2015            ☒ City Attorney