



# City of Grand Island

Tuesday, August 11, 2015

Council Session

## Item D-1

**#2015-BE-3 - Consideration of Determining Benefits and Levy  
Special Assessments for Westgate Road Paving District No. 1261;  
North Road to Copper Road**

*Council action will take place under Ordinances item F-3.*

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

# Council Agenda Memo

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

**Meeting:** August 11, 2015

**Subject:** Consideration of Determining Benefits and Levy Special Assessments for Westgate Road Paving District No. 1261; North Road to Copper Road

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

## Background

The Certificate of Final Completion for Westgate Road Paving District No. 1261; North Road to Copper Road was approved by City Council on July 14, 2015, via Resolution No. 2015-179; with August 11, 2015 set as the date for Council to sit as the Board of Equalization. The Diamond Engineering Company of Grand Island, Nebraska was hired to perform such work in the amount of \$626,236.91. Work was completed at a price of \$605,688.30; with additional costs of \$135,083.88, all detailed below.

|   |                      |
|---|----------------------|
| Original Bid                                  | \$ 626,236.91        |
| Underruns                                     | \$ (20,548.61)       |
| <b>Sub Total (Construction Price) =</b>       | <b>\$ 605,688.30</b> |
| Additional Costs:                             |                      |
| Olsson Associates - (Engineering)             | \$ 87,370.00         |
| The Grand Island Independent - (advertising)  | \$ 225.82            |
| Cornerstone Bank - (project bond interest)    | \$ 3,520.06          |
| T & E Cattle Company - (easement acquisition) | \$ 43,900.00         |
| Hall County Register of Deeds - (filing fees) | \$ 68.00             |
| <b>Sub Total of Additional Costs =</b>        | <b>\$ 135,083.88</b> |
|   |                      |
| <b>TOTAL COST =</b>                           | <b>\$ 740,772.18</b> |

Total project costs equate to \$740,772.18, of which a portion are assessable to property owners within this district.

- Section A- \$504,225.50
- Item No.'s 1, 2, 3, & 5 of Change Order No.1- \$8,775.00
- Additional District Costs - \$135,083.88
- Credit for City Owned Right-of-Way – (\$19,630.13)

The difference of the total project cost, of \$740,772.18, and the assessable amount, of \$628,454.25, covers drainage work done outside of the paving district area and right-of-way along Bronze Road already owned by the City. The additional drainage work allowed for a culvert to be installed under North Road to improve overall drainage of this area of town and obtain the best possible prices by making these two (2) projects one (1).

All work has been completed and special assessments have been calculated for the improvements.

Nebraska Revised Statute Section 16-622 states, "The cost of making such improvements of the streets and alleys within any street improvement district shall be assessed upon the lots and lands in such district specially benefited thereby in proportion to such benefits."

- Paving Assessment Districts are either petitioned by property owner(s) or ordered via an Ordinance by City Council
- Although each district must be reviewed individually, the same basic principles are generally used in each case. The assessable area, or district boundary, is usually established by including all property which extends back from the improved street half way to the next parallel street. 300 feet as the maximum limit for this distance.
- Improvements due to street widths over 37 feet for residential streets and 41 feet commercial streets are not assessed to property owners
- Replacement costs for existing paving are not included in assessment costs

Nebraska Revised Statute Section 16-633 states, "If, in any city of the first class, there shall be any real estate belonging to any county, school district, city, municipal or other quasi-municipal corporation abutting upon the street, avenue or alley whereon paving or other special improvements have been ordered, it shall be the duty of the county board, board of education or other proper officers to pay such special taxes".

- In looking back at the history of paving assessments since 2001, City owned assessed property has been paid for out of the Capital Improvements Fund.

## **Discussion**

The costs for this project will be assessed to the adjacent property. The payments are spread over ten (10) years at 7% simple interest. The first payment of principle only at 1/10<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 owners and sent a reminder letter advising them that the BOE is scheduled for August 11, 2015 and the first payment will be due shortly after.

The final assessment for each lot is listed in both the Resolution and Ordinance for this item.

## **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 meet as the Board of Equalization to determine benefits and pass an ordinance to levy Special Assessments to the individual properties.

## **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for Westgate Road Paving District No. 1261; North Road to Copper Road.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Westgate Road Paving District No. 1261; North Road to Copper Road.

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 July 28, 2015; she mailed copies of the "Notice of Board of Equalization Hearing – Westgate Road Paving District No. 1261; North Road to Copper Road", which notice was first published in the Grand Island Independent on July 21, 2015, to the following named parties:

Little B's Corporation  
444 W 13<sup>th</sup> St  
Grand Island, NE 68803

\*NEBCO, Inc.  
PO Box 80268  
Lincoln, NE 68501-0268

Chief Industries, Inc.  
PO Box 2078  
Grand Island, NE 68802

Bosselman Three, LLC  
PO Box 1567  
Grand Island, NE 68802

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

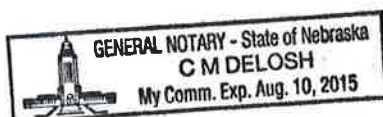
Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

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: July 28, 2015

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

Subscribed and sworn to before me this 28<sup>th</sup> date July, 2015.



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

NOTICE OF  
BOARD OF EQUALIZATION HEARING

Westgate Road Paving District No. 1261;  
North Road to Copper Road

NOTICE is hereby given to all persons owning real estate within the Westgate Road Paving District No. 1261; North Road to Copper Road 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 August 11, 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 such paving district. All owners of real estate within said paving district, 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:

July 21, 2015

July 28, 2015

August 4, 2015

## **CLASSIFIED 9B**

### **Legals**

#### **NOTICE OF BOARD OF EQUALIZATION HEARING**

Westgate Road Paving District  
No. 1261;  
North Road to Copper Road

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RaNae Edwards,  
City Clerk

21-28-4

RESOLUTION 2015

**DRAFT**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Westgate Road Paving District No. 1261; North Road to Copper Road, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$740,772.18, with benefits accruing to the real estate in such district to be the total sum of \$628,454.25; and

Such benefits are based on Westgate Road Paving District No. 1261; North Road to Copper Road at the adjacent property; and

According to the actual cost of Westgate Road Paving District No. 1261; North Road to Copper Road adjacent to the respective lots, tracts, and real estate within such paving district area, such benefits are the sums set opposite the description as follows:

| Parcel No. | Owner                  | Legal Description  | Assessment by Frontage |
|------------|------------------------|--|------------------------|
| 400150671  | LITTLE B'S CORPORATION | LOT 1, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION  | \$ 96,508.51           |
| 400150672  | LITTLE B'S CORPORATION | LOT 2, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION  | \$ 680.32              |
| 400150677  | LITTLE B'S CORPORATION | LOT 11, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION | \$ 1,635.27            |
| 400150678  | LITTLE B'S CORPORATION | LOT 12, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION | \$ 91,094.05           |
| 400150679  | LITTLE B'S CORPORATION | LOT 13, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION | \$ 109,353.36          |
| 400150700  | NEBCO, INC.            | LOT 2, CHIEF/WESTGATE SUBDIVISION                            | \$ 745.98              |
| 400166860  | CHIEF INDUSTRIES, INC. | LOT 3, CHIEF/WESTGATE SUBDIVISION                            | \$ 153,030.04          |
| 400150708  | CHIEF INDUSTRIES, INC. | LOT 4, CHIEF/WESTGATE SUBDIVISION                            | \$ 68,269.99           |
| 400293447  | BOSELMAN THREE, LLC    | PART OF LOT 2, WESTGATE FOURTH SUBDIVISION                   | \$ 107,136.73          |
|            |                        |  | \$ 628,454.25          |

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Adopted by the City Council of the City of Grand Island, Nebraska, August 11, 2015.

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

Attest:

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

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| July 28, 2015       | ☐ City Attorney |



DRAFT

This Space Reserved for Register of Deeds

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

An ordinance assessing and levying a special tax to pay the cost of Westgate Road Paving District No. 1261; North Road to Copper Road 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 Westgate Raod Paving District No. 1261; North Road to Copper Road, 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:

| Parcel No. | Owner                  | Legal Description  | Assessment by Frontage |
|------------|------------------------|--|------------------------|
| 400150671  | LITTLE B'S CORPORATION | LOT 1, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION  | \$ 96,508.51           |
| 400150672  | LITTLE B'S CORPORATION | LOT 2, WESTGATE INDUSTRIAL PARK 2 <sup>ND</sup> SUBDIVISION  | \$ 680.32              |
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|            |                        |  | \$ 628,454.25          |

Approved as to Form by \_\_\_\_\_  
July 28, 2015 City Attorney

DRAFT

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

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in ten days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; one-tenth in nine 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: August 11, 2015

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

Attest:

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

RESOLUTION 2015-BE-3

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Westgate Road Paving District No. 1261; North Road to Copper Road, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$740,772.18, with benefits accruing to the real estate in such district to be the total sum of \$628,454.25; and

Such benefits are based on Westgate Road Paving District No. 1261; North Road to Copper Road at the adjacent property; and

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Adopted by the City Council of the City of Grand Island, Nebraska, August 11, 2015.

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

Attest:

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

|   |
|---|
| Approved as to Form    ✕ _____<br>August 7, 2015            ✕ City Attorney |
|---|