



# City of Grand Island

Tuesday, August 25, 2015

Council Session

## Item D-1

**#2015-BE-4 - Consideration of Determining Benefits and Levy  
Special Assessments for Westgate Drainage Improvements;  
District No. 2013-D-4**

*Council action will take place under Ordinances item F-1.*

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

# Council Agenda Memo

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

**Meeting:** August 25, 2015

**Subject:** Consideration of Determining Benefits and Levy Special Assessments for Westgate Drainage Improvements; District No. 2013-D-4

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

## Background

The Certificate of Final Completion for Westgate Drainage Improvements; District No. 2013-D-4 was approved by City Council on July 28, 2015, via Resolution No. 2015-194; with August 25, 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 \$146,349.15. Work was completed at a price of \$150,052.74; with additional costs of \$30,662.58, all detailed below.

Original Bid	\$ 146,349.15
Underruns	\$ 3,703.59
<b>Sub Total (Construction Price) =</b>	<b>\$ 150,052.74</b>
Additional Costs:	
Olsson Associates - (Engineering)	\$ 30,545.00
The Grand Island Independent - (advertising)	\$ 89.58
Hall County Register of Deeds - (filing fees)	\$ 28.00
<b>Sub Total of Additional Costs =</b>	<b>\$ 30,662.58</b>
<b>TOTAL COST = \$ 180,715.32</b>	

Total project costs equate to \$180,715.32, of which all are assessable to property owners within this district.

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 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 25, 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 Drainage Improvements; District No. 2013-D-4.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Westgate Drainage Improvements; District No. 2013-D-4.

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 August 6, 2015; she mailed copies of the "Notice of Board of Equalization Hearing – Westgate Drainage Improvements; District No. 2013-D-4", which notice was first published in the Grand Island Independent on August 4, 2015, to the following named parties:

\*Samuel H & Gaila J Prill  
23636 Wilderness Canyon Rd  
Rapid City, SD 57702

\*Bradley W Barrow – Trustee  
MHEC Land Trust VI  
PO Box 50  
Mossville, IL 61552-0050

Gstar Investments, LLC  
3703 W Old Potash Hwy  
Grand Island, NE 68803

John P & Lisa L Webb  
3104 Bison Ct  
Grand Island, NE 68803

Harry L Lilienthal  
4215 E Bismark Rd  
Grand Island, NE 68801

Quad Endeavors, LLC  
25 Lillian Ln  
Doniphan, NE 68832

Husker Storage, LLC  
410 Gold Rd  
Grand Island, NE 68803

Highland Park Lawn Company  
402 S Claude Rd  
Grand Island, NE 68803

Twin Valley Investments, LTD  
502 Claude Rd  
Grand Island, NE 68803

Harry L & Wanda R Lilienthal  
4215 E Bismark Rd  
Grand Island, NE 68801

Robert D & Patricia J Hancock  
5938 N 80<sup>th</sup> Rd  
Cairo, NE 68824

Husker Storage, LLC  
4215 E Bismark Rd  
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: August 6, 2015

  
RaNae Edwards, City Clerk

Subscribed and sworn to before me this 6<sup>th</sup> date August, 2015.

  
Notary Public



## **8B CLASSIFIED**

### **Legals**

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

##### **Westgate Drainage Improve- ments; District No. 2013-D-4**

NOTICE is hereby given to all persons owning real estate within the Westgate Drainage Improvements; District No. 2013-D-4 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 25, 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 drainage district. All owners of real estate within said drainage 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  
4.11.18

## NOTICE OF BOARD OF EQUALIZATION HEARING

### Westgate Drainage Improvements; District No. 2013-D-4

NOTICE is hereby given to all persons owning real estate within the Westgate Drainage Improvements; District No. 2013-D-4 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 25, 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 drainage district. All owners of real estate within said drainage 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:**

August 4, 2015

August 11, 2015

August 18, 2015

**DRAFT**

This Space Reserved for Register of Deeds

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

An ordinance assessing and levying a special tax to pay the cost of Westgate Drainage Improvements; District No. 2013-D-4 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 Drainage Improvements; District No. 2013-D-4, 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:

<b>Parcel No.</b>	<b>Owner</b>	<b>Legal Description</b>	<b>Assessment by Frontage</b>
400367823	Samuel H & Gaila J Prill	Lot 6, Westgate Fifth Subdivision	\$9,104.92
400367815	Bradley W Barrow Trustee MHEC Land Trust VI	Lot 1, Westgate Seventh Subdivision	\$21,091.14
400367807	GStar Investments, LLC	Lot 4, Westgate Fifth Subdivision	\$9,104.92
400367793	GStar Investments, LLC	Lot 3, Westgate Fifth Subdivision	\$9,104.92
400367785	John P & Lisa L Webb	Lot 2, Westgate Fifth Subdivision	\$11,870.97
400375354	Harry L Lilienthal	Lot 2, Westgate Sixth Subdivision	\$11,870.97
400367777	Quad Endeavors, LLC	Lot 1, Westgate Fifth Subdivision	\$11,870.97
400375362 & 400375370	Husker Storage, LLC	Lot 3 & 4, Westgate Sixth Subdivision	\$23,741.94
400166887	Highland Park Lawn Company	Lot 2, Westgate Third Subdivision	\$11,870.97

Approved as to Form August 20, 2015  \_\_\_\_\_  
City Attorney

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

400166852	Twin Valley Investments, LTD	Lot 26, Westgate Subdivision & Lot 1 Westgate Third Subdivision	\$23,857.16
400166755	Harry L & Wanda R Lilienthal	Lot 18, Westgate Subdivision	\$11,870.97
400166763	Husker Storage, LLC	Lot 1, Westgate Tenth Subdivision	\$13,484.50
400166844	Robert D & Patricia J Hancock	Lot 25, Westgate Subdivision	\$11,870.97

*Assessment Total = \$180,715.32*

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 25, 2015

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

Attest:

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



DRAFT

RESOLUTION 2015

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Westgate Drainage Improvements; District No. 2013-D-4, 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 \$180,715.32; and

Such benefits are based on Westgate Drainage Improvements; District No. 2013-D-4 at the adjacent property; and

According to the actual cost of Westgate Drainage Improvements; District No. 2013-D-4 adjacent to the respective lots, tracts, and real estate within such drainage district area, such benefits are the sums set opposite the description as follows:

Parcel No.	Owner	Legal Description	Assessment by Frontage
400367823	Samuel H & Gaila J Prill	Lot 6, Westgate Fifth Subdivision	\$9,104.92
400367815	Bradley W Barrow Trustee MHEC Land Trust VI	Lot 1, Westgate Seventh Subdivision	\$21,091.14
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400375354	Harry L Lilienthal	Lot 2, Westgate Sixth Subdivision	\$11,870.97
400367777	Quad Endeavors, LLC	Lot 1, Westgate Fifth Subdivision	\$11,870.97
400375362 & 400375370	Husker Storage, LLC	Lot 3 & 4, Westgate Sixth Subdivision	\$23,741.94
400166887	Highland Park Lawn Company	Lot 2, Westgate Third Subdivision	\$11,870.97
400166852	Twin Valley Investments, LTD	Lot 26, Westgate Subdivision & Lot 1 Westgate Third Subdivision	\$23,857.16
400166755	Harry L & Wanda R Lilienthal	Lot 18, Westgate Subdivision	\$11,870.97
400166763	Husker Storage, LLC	Lot 1, Westgate Tenth Subdivision	\$13,484.50
400166844	Robert D & Patricia J Hancock	Lot 25, Westgate Subdivision	\$11,870.97
<i>Assessment Total =</i>			<b>\$180,715.32</b>

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Adopted by the City Council of the City of Grand Island, Nebraska, August 25, 2015.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	□ _____
August 5, 2015	□ City Attorney

RESOLUTION 2015-BE-4

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Westgate Drainage Improvements; District No. 2013-D-4, 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 \$180,715.32; and

Such benefits are based on Westgate Drainage Improvements; District No. 2013-D-4 at the adjacent property; and

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*Assessment Total =*

*\$180,715.32*

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Adopted by the City Council of the City of Grand Island, Nebraska, August 25, 2015.

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

Attest:

Approved as to Form    ✕ _____ August 21, 2015        ✕ City Attorney
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RaNae Edwards, City Clerk