



# City of Grand Island

Tuesday, September 22, 2015

Council Session

## Item D-2

**#2015-BE-9 - Consideration of Determining Benefits and Levy Special Assessments for Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks**

*Council action will take place under Ordinances item F-2.*

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

# Council Agenda Memo

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

**Meeting:** September 22, 2015

**Subject:** Consideration of Determining Benefits and Levy Special Assessments for Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks

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

## Background

The Certificate of Final Completion for Webb Road Street Improvement District No. 1260; South Webb Road extending north from Stolley Park Road to Union Pacific Railroad tracks was approved by City Council on August 25, 2015, via Resolution No. 2015-227; with September 22, 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 \$1,361,451.80. Work was completed at a price of \$1,326,048.24; with additional costs of \$285,655.01, all detailed below.

Original Bid	\$ 1,361,451.80
Change Order No. 1	\$ 13,057.00
Underruns	\$ (48,460.56)
<b>Sub Total (Construction Price) =</b>	<b>\$ 1,326,048.24</b>
Additional Costs:	
Public Works Engineering - (Design Engineering)	\$ 99,500.00
Olsson Associates - (Construction Engineering)	\$ 123,942.03
The Grand Island Independent - (advertising)	\$ 124.34
Cornerstone Bank - (Project Bond Interest)	\$ 7,146.77
Hall County Register of Deeds - (filing fees)	\$ 56.00
City of Grand Island – (water main lowering)	\$ 2,922.47
Rinker Materials & Ronald J. Vlach – (easements)	\$ 11,838.00
Quality Signs – (detour signs)	\$ 560.00
Rinker Materials – (storage slab)	\$ 39,565.40
<b>Sub Total of Additional Costs =</b>	<b>\$ 285,655.01</b>
<b>TOTAL COST = \$ 1,611,703.25</b>	

The difference of the total project cost of \$1,611,703.25 and the assessable amount of \$1,513,175.50, is the credit given to property owners for existing street right-of-way, as detailed below.

2 <sup>nd</sup> Street Right-of-Way credit	\$19,193.71
Lester Street Right-of-Way credit	\$12,795.82
Bachman Street Right-of-Way credit	\$12,795.82
South Street Right-of-Way credit	\$53,742.40
<b>Total Street Right-of-Way credit</b>	<b>\$98,527.75</b>

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 September 22, 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 Webb Road Street Improvement District No. 1260; South Webb Road extending north from Stolley Park Road to Union Pacific Railroad tracks

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Webb Road Street Improvement District No. 1260; South Webb Road extending north from Stolley Park Road to Union Pacific Railroad tracks.

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 September 3, 2015; she mailed copies of the "Notice of Board of Equalization Hearing – Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks", which notice was first published in the Grand Island Independent on September 1, 2015, to the following named parties:

City of Grand Island  
PO Box 1968  
Grand Island, NE 68802

James A & Carol J Stauss  
3244 Bachman  
Grand Island, NE 68803

\*Mead Building Centers of Grand Island  
PO Box 878  
Columbus, NE 68602-0878

Island Indoor Climate, LLC  
1415 S Webb Rd  
Grand Island, NE 68803

Dinsy, LLC  
3312 W Stolley Park Rd  
Grand Island, NE 68803

Robert & Mary L Brenton  
1423 S Webb Rd  
Grand Island, NE 68803

Dinsy, LLC  
1919 W LaMar Ave  
Grand Island, NE 68803

Mary L Brenton  
1423 S Webb Rd  
Grand Island, NE 68803

Judy D Hansen  
Julie D Johnson  
1609 Stagecoach Rd  
Grand Island, NE 68801

\*Lyman-Richey Corporation  
4315 Cuming St  
Omaha, NE 68131

KPT, Inc.  
3602 W 2<sup>nd</sup> St  
Grand Island, NE 68803

Dobesh Land Leveling, LLC  
Gregory Dobesh  
3500 W 2<sup>nd</sup> St  
Grand Island, NE 68803

1321 Webb Road, LLC  
% Axis Capital, Inc.  
308 N Locust  
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: September 3, 2015

RaNae Edwards  
RaNaee Edwards, City Clerk

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

Catrina M. Delosh  
Notary Public



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

An ordinance assessing and levying a special tax to pay the cost of Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks 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 Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks, 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
400150638	City of G I	Lot 1, Highway 281 Estates	\$ 389,952.30
400150441	Mead Building Centers of Grand Island	Lot 2, Highway 281 Estates	\$ 140,753.91
400150654	Dinsy, LLC	Lot 1, Dinsdale Subdivision	\$ 19,193.71
400150646	Dinsy, LLC	Lot 2, Dinsdale Subdivision	\$ 255,340.38
400150433	Judy D Hansen / Julie D Johnson	Miscellaneous Tracts 24-11-10 PT SE ¼ 3.90 Acr	\$ 3,134.97
400146630	KPT, Inc.	Miscellaneous Tracts 20-11-9 PT NW ¼ SW ¼ & PT Sec 19-11-9 .98 Acr	\$ 26,302.43
400013533	Dobesh Land Leveling, LLC	Lot 8, Bachman & Lester Subdivision	\$ 40,889.01
400013460	Dobesh Land Leveling, LLC	All of Lots 6 & 7 & Part of Lot 8, Bachman & Lester Subdivision	\$ 8,374.86

Approved as to Form    ☐ \_\_\_\_\_  
 September 3, 2015    ☐ City Attorney

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

400013487	1321 Webb Road, LLC % Axis Capital, Inc.	Lot 9, Bachman & Lester Subdivision	\$ 54,443.61
400013495	Dobesh Land Leveling, LLC	All of Lot 10 & Part of Lots 11 & 12, Bachman & Lester Subdivision	\$ 1,857.95
400095475	1321 Webb Road, LLC % Axis Capital, Inc.	Lot 1, Stoltenberg Subdivision	\$ 54,499.91
400013525	James A & Carol J Stauss	Lot 19, Bachman & Lester Subdivision	\$ 1,801.65
400013576	Island Indoor Climate, LLC	W 159' N ½ of Lot 20, Bachman & Lester Subdivision	\$ 22,674.17
400013541	Robert & Mary L Brenton	E 72' N ½ of Lot 20, Bachman & Lester Subdivision	\$ 2,098.51
400013568	Mary L Brenton	S ½ of Lot 20, Bachman & Lester Subdivision	\$ 25,392.00
400013606	Lyman-Richey Corporation	Lot 25, Bachman & Lester Subdivision	\$ 49,235.72
400013517	Lyman-Richey Corporation	Lot 2, Wilson Concrete Subdivision	\$ 3,285.97
400492277	City of Grand Island	Part of the North Portion, Grand Island City Cemetery Addition	\$ 413,944.44

\$ 1,513,175.50

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.

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

Enacted: September 22, 2015

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

Attest:

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



R E S O L U T I O N    2015

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks, after due notice having been given thereof, that we find and adjudge:

That total project cost is \$1,611,703.25, with benefits accruing to the real estate in such district to be the total sum of \$1,513,175.50; and

Such benefits are based on Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks at the adjacent property; and

According to the actual cost of Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks 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
400150638	City of G I	Lot 1, Highway 281 Estates	\$ 389,952.30
400150441	Mead Building Centers of Grand Island	Lot 2, Highway 281 Estates	\$ 140,753.91
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400146630	KPT, Inc.	Miscellaneous Tracts 20-11-9 PT NW ¼ SW ¼ & PT Sec 19-11-9 .98 Acr	\$ 26,302.43
400013533	Dobesh Land Leveling, LLC	Lot 8, Bachman & Lester Subdivision	\$ 40,889.01
400013460	Dobesh Land Leveling, LLC	All of Lots 6 & 7 & Part of Lot 8, Bachman & Lester Subdivision	\$ 8,374.86
400013487	1321 Webb Road, LLC % Axis Capital, Inc.	Lot 9, Bachman & Lester Subdivision	\$ 54,443.61
400013495	Dobesh Land Leveling, LLC	All of Lot 10 & Part of Lots 11 & 12, Bachman & Lester Subdivision	\$ 1,857.95
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400013576	Island Indoor Climate, LLC	W 159' N ½ of Lot 20, Bachman & Lester Subdivision	\$ 22,674.17
400013541	Robert & Mary L Brenton	E 72' N ½ of Lot 20, Bachman & Lester Subdivision	\$ 2,098.51
400013568	Mary L Brenton	S ½ of Lot 20, Bachman & Lester Subdivision	\$ 25,392.00
400013606	Lyman-Richey Corporation	Lot 25, Bachman & Lester Subdivision	\$ 49,235.72
400013517	Lyman-Richey Corporation	Lot 2, Wilson Concrete Subdivision	\$ 3,285.97
400492277	City of Grand Island	Part of the North Portion, Grand Island City Cemetery Addition	\$ 413,944.44
			\$ 1,513,175.50

Approved as to Form <input type="checkbox"/> _____ September 3, 2015 <input type="checkbox"/> City Attorney
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Adopted by the City Council of the City of Grand Island, Nebraska, September 22, 2015.

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

Attest:

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

NOTICE OF  
BOARD OF EQUALIZATION HEARING

Webb Road Street Improvement District No. 1260; South Webb Road Extending  
North from Stolley Park Road to Union Pacific Railroad Tracks

NOTICE is hereby given to all persons owning real estate within the Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks 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 September 22, 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 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:

September 1, 2015

September 8, 2015

September 15, 2015

## 8B CLASSIFIED

### Legals

#### NOTICE OF BOARD OF EQUALIZATION HEARING

**Webb Road Street  
Improvement District No.  
1260; South Webb Road  
Extending North from Stolley  
Park Road to Union Pacific  
Railroad Tracks**

NOTICE is hereby given to all persons owning real estate within the Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks 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 September 22, 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 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 per-

son 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  
1-8-15

RESOLUTION 2015-BE-9

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks, after due notice having been given thereof, that we find and adjudge:

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Such benefits are based on Webb Road Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks at the adjacent property; and

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\$ 1,513,175.50

Approved as to Form    ✕ _____ September 18, 2015      ✕ City Attorney
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Adopted by the City Council of the City of Grand Island, Nebraska, September 22, 2015.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

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