



City of Grand Island

Tuesday, October 12, 2010

Council Session

Item G15

**#2010-283 - Acquisition of Utility Easements for St. Libory
Transmission Line by Condemnation - Leisers - Tracts 6 & 10**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Dale Shotkoski, City Attorney

Meeting: October 12, 2010

Subject: Acquisition of Utility Easements – George W. Leiser, Trustee and William G. and Sandra K. Leiser 115 kV Line; Tracts 6 and 10

Item #'s: G-15

Presenter(s): Gary R. Mader, Utilities Director

Background

The Electric Department has electric distribution substations connected at various distances along a 115 kV transmission loop. The loop generally runs along the outer edge of the urban area, providing power to the substations and providing power supply redundancy by use of the looped configuration. A map of the transmission system is attached for reference. Substations reduce voltage from the 115,000 volt level to 13,800 volts for distribution to individual customers across the City. Substations “E,” located north of Swift on the east side of the loop, and “F,” located north of Menards on the west side of the loop, are the newest substations. They were placed in initial service in 2001, and completed in 2007.

Recognizing that the City is continuing to grow, that future transmission line construction will occur and that reliability improvement is always important, Substations “E” and “F” were constructed with provisions to accept additional 115 kV transmission regional interconnections. In the long range plan of the Electric Department, these substations were designed for new transmission interconnections to meet future growth. The Utilities Department is currently in the process of acquiring easements to provide for the construction of an additional 115 kV transmission interconnection to the north of the City.

Discussion

Unlike the other 21 tracts associated with the transmission line construction project, we were unable to reach a negotiated settlement on two easements, Tract 6 (extending ½ mile north of Abbot Road), and Tract 10 (a ¼ mile long tract north of White Cloud Road). Both Tract 6 and 10 are owned by George W. Leiser, Trustee; William G. Leiser and Sandra K. Leiser, Husband and Wife. Maps of the easement locations are attached

for reference. Because of the inability to reach a negotiated settlement, the City Attorney's Office filed the appropriate court documents to proceed with the appointment of a Board of Appraisers and to proceed with a condemnation process to acquire the needed easements. The Board of Appraisers convened on Monday, September 27, 2010 at the Hall County Court House. After hearing testimony from the City and from the property owner, the hearing was re-convened at the locations of the properties in question where the appraisers viewed actual field conditions. The Board of Appraisers issued their findings later that same afternoon. Their ruling sets the value of the easement on Tract 6 at \$3,590.00, and the value of the easement on Tract 10 at \$1,615.00. A copy of Appraisers' ruling is attached.

Note: The attached appraisers' document also refers to property owned by Norma, Jerry and Barbara Simonson. Prior to the hearing, a tentative negotiated settlement was reached with those parties. Therefore a hearing was not conducted and no rulings made on the Simonson's properties.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

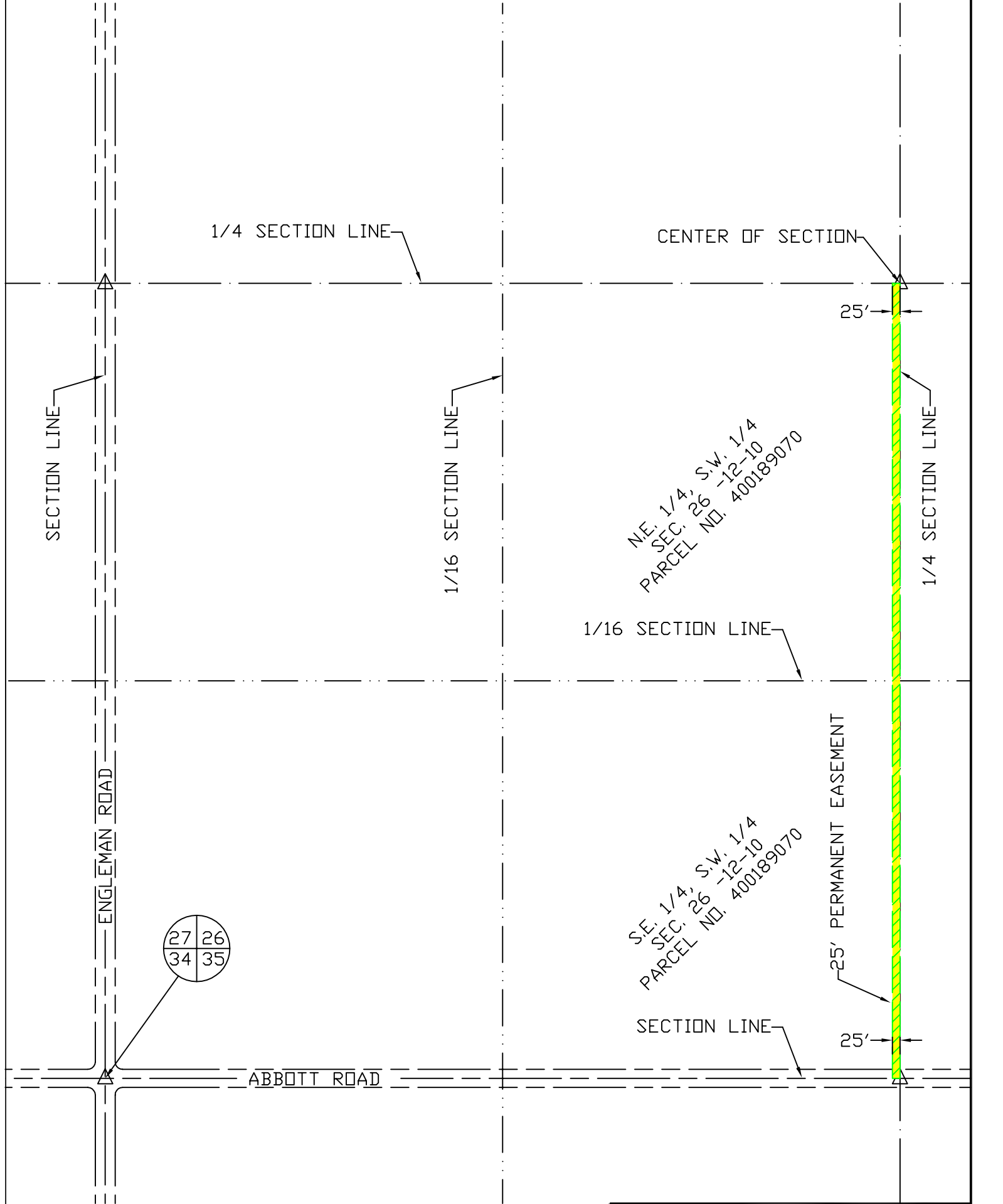
Recommendation

City Administration recommends that the Council accept the findings of the court appointed appraisers and authorize payment of \$3,590.00 for the electrical easement on Tract 6 and payment of \$1,615.00 for the electrical easement on Tract 10.

Sample Motion

Move to accept the findings of the court appointed appraisers and authorize payment of \$3,590.00 for the electrical easement on Tract 6 and payment of \$1,615.00 for the electrical easement on Tract 10.

TRACT #6



LEGEND

- SECTION LINE
- 1/4 SEC. LINE
- 1/16 SEC. LINE
- ROAD
- EASEMENT

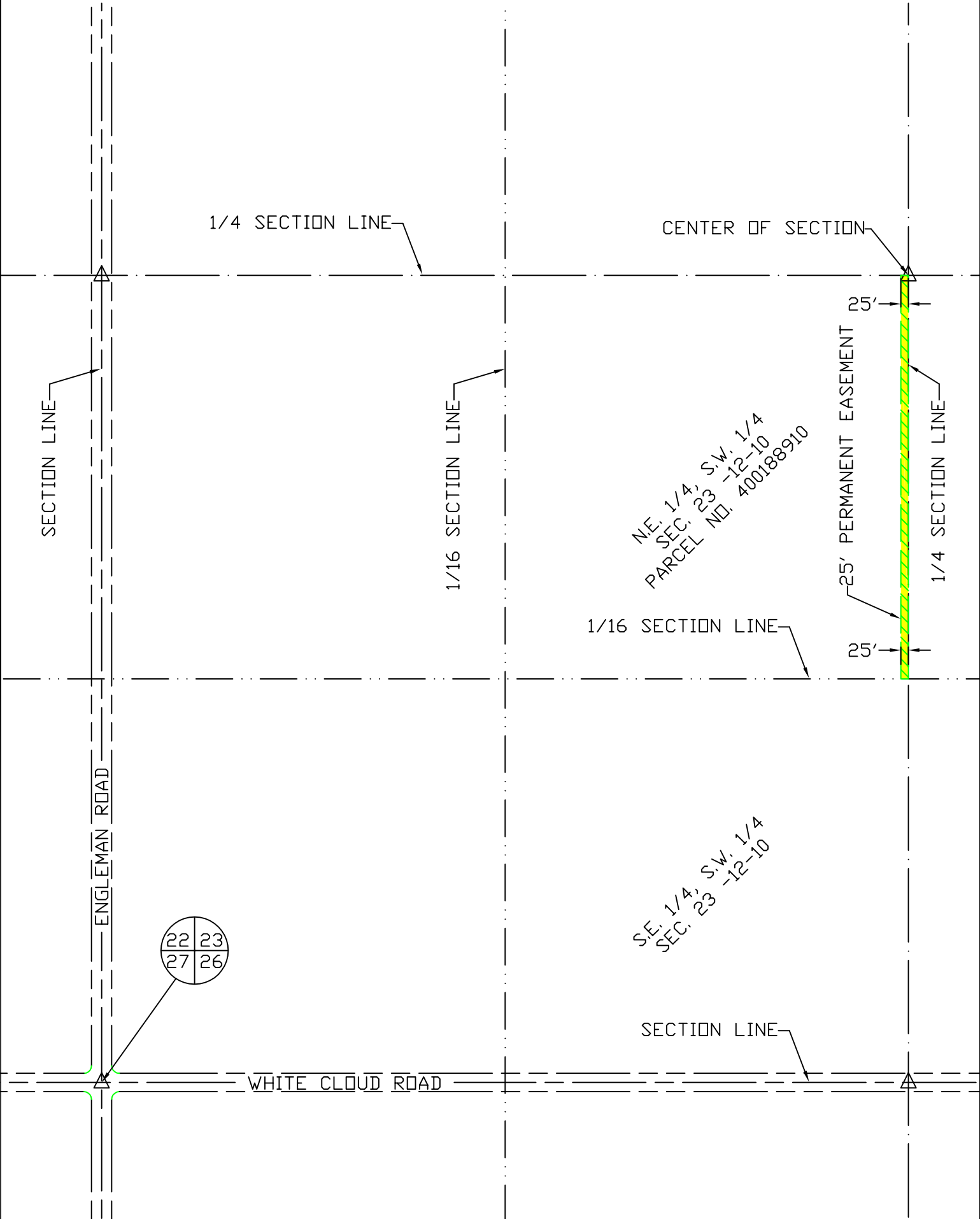


CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

EXHIBIT "A"

DRN BY: A.C.H.	SCALE: 1" = 400'
DATE: 11/09/2009	# G. LEISER

TRACT #10



LEGEND

- SECTION LINE
- 1/4 SEC. LINE
- 1/16 SEC. LINE
- ROAD
- EASEMENT

CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

EXHIBIT "A"

DRN BY: A.C.H.	SCALE: 1" = 400'
DATE: 11/09/2009	# W. LEISER

FILED

IN THE COUNTY COURT OF HALL COUNTY, NEBRASKA

SEP 27 2010

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

Condemner,

v.

GEORGE W. LEISER, TRUSTEE;
WILLIAM G. LEISER and SANDRA K.
LEISER, Husband and Wife; NORMA J.
SIMONSON; JERRY J. SIMONSON
and BARBARA J. SIMONSON, Husband and
Wife,

Condemnees.

REYNALDA A CARPENTER
CLERK MAGISTRATE
HALL CO COURT

Case No. CI10-4664

REPORT OF APPRAISERS



000077233C08

NOW on this 27 day of September, 2010, the undersigned, being the duly appointed, qualified and acting appraisers in the above-entitled matter, do hereby make and file this report, showing unto the Court:

1. The undersigned were duly appointed appraisers in the above-entitled matter by Order Appointing Appraisers dated September 7, 2010.

2. Before entering upon the duties as appraisers in the above-entitled matter, the undersigned duly took and subscribed an oath to support the Constitutions of the United States and the State of Nebraska, and to faithfully and impartially discharge their duties as required by law.

3. The undersigned appraisers carefully inspected and viewed the real estate hereinafter specified sought to be taken and also any other property of the Condemnees damaged thereby and heard all parties interested therein to the amount of damages while so inspecting and viewing the property. Those appearing were: Robin Hendricksen, 2514 North Webb Road, Grand Island, NE 68803; Roberta Herbst, 2211 Woodridge Court, Grand Island, NE 68801; and Patrick McGuire, c/o

Exchange Bank, 1204 Allen Drive, P.O. Box 5793, Grand Island, NE 68802.

4. Said appraisers did meet on Sept 27, 2010, at 9 o'clock, A.m., to assess the damages that the Condemnees sustained by the taking of the hereinafter specified property by the Condemner, at which time said appraisers did receive evidence relative to the amount of damages that will be sustained by the owner of said real estate. Those who appeared were: Robin Hendricksen, Roberta Herbst, and Patrick McGuire, Appraisers; Dale Shotkoski.

Attorney for the City of Grand Island; Hall Co. NE, William + SANDRA LEISER,
GARY MANER, TRAVIS BURDETT, GARY HASSELBROOK, + JACIE BORGMETER

5. The undersigned appraisers find that the amount of damages sustained by the Condemnees, as owner of the below described real estate, by reason of the taking thereof by the Condemner for public right of way and temporary easements, to be as follows:

TRACT 6 PERMANENT ELECTRICAL EASEMENT

A PUBLIC UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER (SW¼) OF SECTION TWENTY-SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY TWENTY-FIVE (25) FEET OF THE SOUTHWEST QUARTER (SW¼) OF SECTION TWENTY-SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA. SAID EASEMENT AND RIGHT-OF-WAY CONTAINING A TOTAL OF 1.52 ACRES, MORE OR LESS.

For permanent easement and right of way the sum of

GEORGE W. LEISER, TRUSTEE

\$ 3,590.⁰⁰/100

TRACT 10 PERMANENT ELECTRICAL EASEMENT

A PUBLIC UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N $\frac{1}{2}$ SW $\frac{1}{4}$) OF SECTION TWENTY-THREE (23), TOWNSHIP TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY TWENTY-FIVE (25) FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE $\frac{1}{4}$ SW $\frac{1}{4}$) OF SECTION TWENTY-THREE (23), TOWNSHIP TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA. SAID EASEMENT AND RIGHT-OF-WAY CONTAINING A TOTAL OF .76 ACRES, MORE OR LESS.

For permanent easement and right of way the sum of

WILLIAM G. LEISER AND SANDRA KAY LEISER \$ 1615.⁰⁰

TRACT 21 PERMANENT ELECTRICAL EASEMENT

A PUBLIC UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN THE THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION ELEVEN (11), TOWNSHIP TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA; EXCEPTING A ONE-ACRE TRACT OF LAND LOCATED IN THE SOUTHEAST CORNER OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 12 NORTH, RANGE 10 WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, RUNNING THENCE NORTH, ALONG AND UPON THE EAST SIDE OF SAID SECTION 11, A DISTANCE OF 208.75 FEET, RUNNING THENCE WEST AND PARALLEL WITH THE SOUTH SIDE OF SECTION 11 A DISTANCE OF 208.75 FEET, RUNNING THENCE SOUTH AND PARALLEL WITH THE EAST SIDE OF SAID SECTION 11 A DISTANCE OF 208.75 FEET, RUNNING THENCE EAST, ALONG AND UPON THE SOUTH SIDE OF SAID SECTION 11 A DISTANCE OF 208.75 FEET TO THE POINT OF BEGINNING, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY TWENTY-FIVE (25) FEET OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION ELEVEN (11), TOWNSHIP TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA. SAID

EASEMENT AND RIGHT-OF-WAY CONTAINING A TOTAL OF 1.52 ACRES,
MORE OR LESS.

For permanent easement and right of way the sum of

NORMA J. SIMONSON

\$ N/A

TRACT 22 PERMANENT ELECTRICAL EASEMENT

A PUBLIC UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN THE
SOUTHWEST QUARTER (SW¼) OF SECTION ELEVEN (11), TOWNSHIP
TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL
COUNTY, NEBRASKA; EXCEPT LOT 1, SIMONSON SUBDIVISION, HALL
COUNTY, NEBRASKA AND EXCEPT LOT 1, VANBIBBER SUBDIVISION,
HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

THE EASTERLY AND NORTHERLY TWENTY-FIVE (25) FEET OF THE
SOUTHWEST QUARTER (SW¼) OF SECTION ELEVEN (11), TOWNSHIP
TWELVE (12) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL
COUNTY, NEBRASKA. SAID EASEMENT AND RIGHT-OF-WAY
CONTAINING A TOTAL OF 3.02 ACRES, MORE OR LESS.

For permanent easement and right of way the sum of

JERRY J. SIMONSON and BARARA J. SIMONSON,
Husband and Wife

\$ N/A

NOW, THEREFORE, the undersigned appraisers do hereby find and assess the damages that
will be suffered by the Condemnees by reason of the taking of the real estate for an easement for
public utilities to be:

For permanent easement and right-of-way the sum of

GEORGE W. LEISER, TRUSTEE

\$ 3,590.⁰⁰

WILLIAM G. LEISER AND SANDRA KAY LEISER

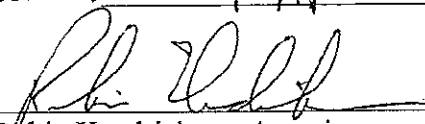
\$ 1,615.⁰⁰

NORMA J. SIMONSON

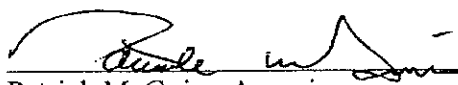
\$ N/A

JERRY J. SIMONSON and BARBARA J. SIMONSON

\$ N/A


Robin Hendricksen, Appraiser


Roberta Herbst, Appraiser


Patrick McGuire, Appraiser

R E S O L U T I O N 2010-283

WHEREAS, on April 28, 2009, by Resolution No. 2009-98, the City Council of Grand Island, Nebraska, authorized City staff to acquire certain tracts of land for a 115 kV transmission and substation system from Grand Island Utilities Department (GIUD) Substation F to Nebraska Public Power District's St. Libory Junction Northwest of the City; and

WHEREAS, a condemnation hearing was held in Hall County Court on September 27, 2010 wherein the Board of Appraisers issued their determination; for the acquisition of Tracts 6 and 10; and

WHEREAS, in order to continue with the Transmission Line Project, it is necessary that the City deposit with Hall County Court the amount of \$3,590.00 for Tract 6, and \$1,615.00 for Tract 10, (total of \$5,205.00) as determined by the Board of Appraisers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City deposit with the Hall County Court the sum of \$3,590.00 for Tract 6, and \$1,615.00 for Tract 10 (Total of \$5,205.00), in accordance with the laws of eminent domain.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2010.

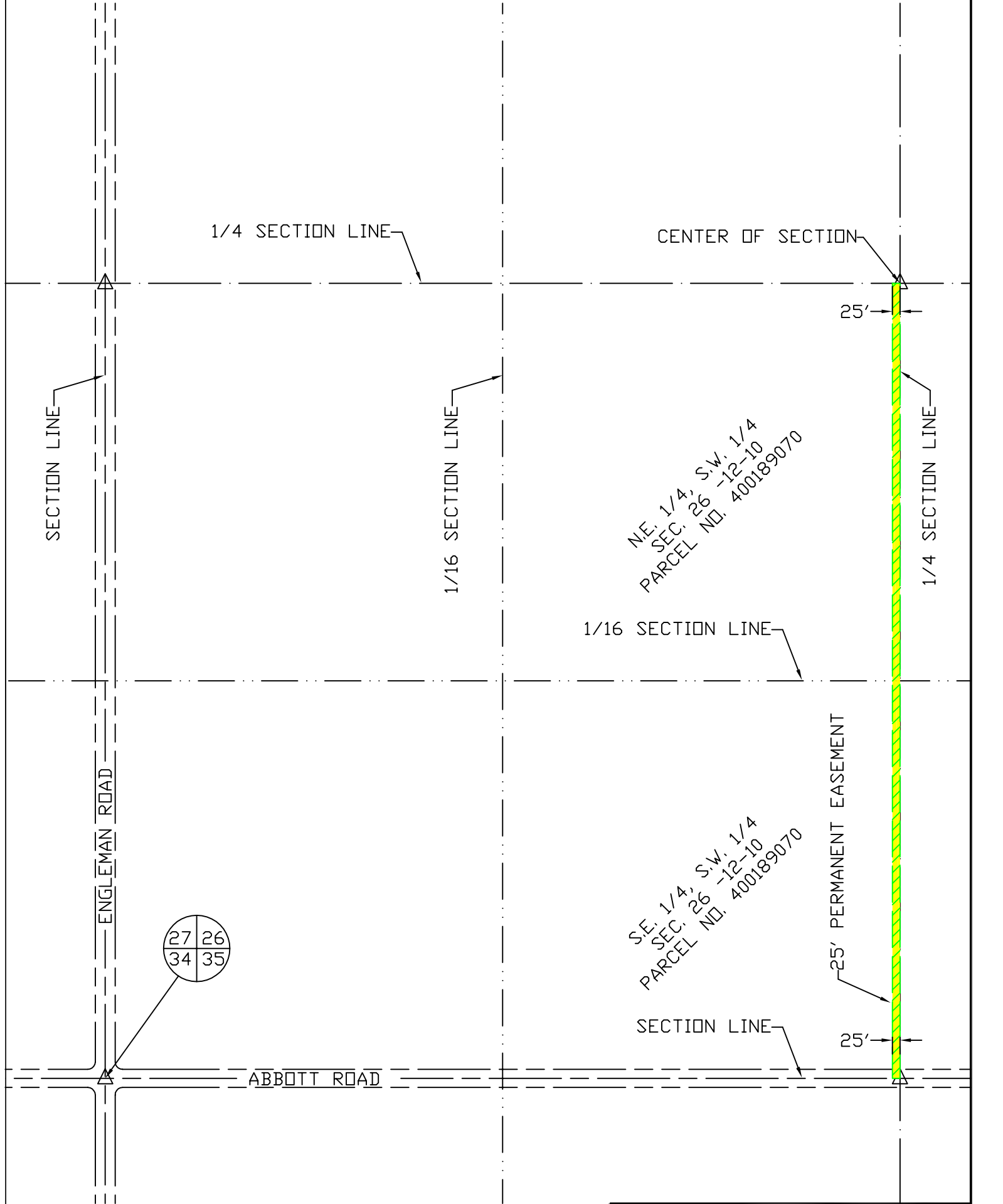
Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2010	☐ City Attorney

TRACT #6



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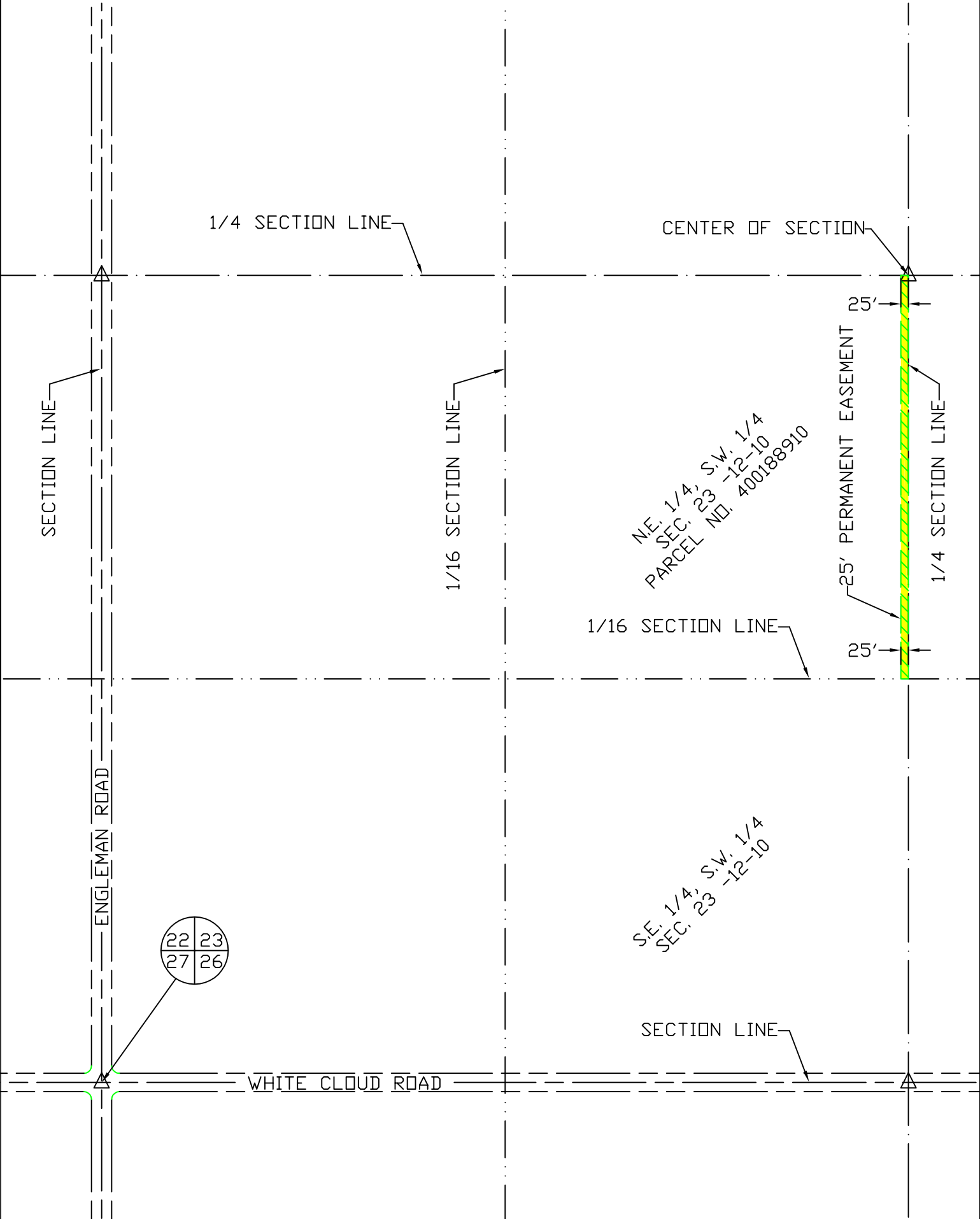
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