



# City of Grand Island

Tuesday, November 23, 2010

Council Session

## Item G10

**#2010-327 - Approving Acquisition of Utility Easement - Robin and Barbara Irvine - North Engleman Road for Water Main District 456T**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

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

**Meeting:** November 23, 2010

**Subject:** Acquisition of Temporary Construction Easement and  
Permanent Utility Easement – Water Main District 456T  
– Robin and Barbara Irvine

**Item #'s:** G-10

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

## **Background**

The Utilities Department periodically retains the services of a consultant to review the City's water system for deficiencies and to assist in planning future requirements. The water system must meet certain operational standards to be suitable both for human consumption and for fire protection. These operational standards include analyzing chemical and microbiological components of the water, and hydraulic testing of the system for flow and pressure characteristics. The consultant also projected future system demands based on the City's comprehensive plan and recommended improvements for both the supply and distribution components of the system.

The last comprehensive study was conducted in 2001 by CH2MHill, which resulted in a Master Plan for the water system. Based on this Master Plan, areas of deficiency were noted, as well as a general timetable for completing corrective action. Some of the projects completed from the Master Plan recommendations over the last nine years include: addition of the corrosion control system, modifications to the Platte River Pumping Station, repairs to the Kimball Reservoir, installation of increased pumping capacity at the Rogers Pumping Station for the west side of the City, and addition of a second storage reservoir at that location. The second storage reservoir was completed in the spring of 2009, and has been placed in service.

Most of the major improvements made over the last nine years were associated with the City's primary water source, the Platte River Wellfield, or reservoirs and pumping stations. It is the recommendation of the Utilities Department that the planning focus shift to the water distribution system. The 2010 – 2011 Budget includes funding for a major trunk line expansion on the west side of the City. A map of the trunk line route is

attached for reference. The water line would be installed on the north side of Old Potash Highway and the east side of Engleman Road. The Proposed project is designated as Water Main District 456T.

The proposed project would improve water flow from the recently expanded Rogers Reservoir and pumping station, increase supply redundancy for the northwest area of the City, and provide availability of City water to an area in the early stages of development.

## **Discussion**

After consultation with Hall County Roads Department and Grand Island Public Works Department, Utility engineering proceeded with the survey, layout and design of the proposed system expansion. That line is designed to be located in the existing road right-of-way (R-O-W) over most of the route. However, in this area, the rural profile of the road construction leaves limited working room for the placement of excavated materials, staging and equipment operation. Additionally, both Old Potash Highway and Engleman Road are main thoroughfares in the area, without convenient routes for detours of traffic. Old Potash is designed to carry heavy truck traffic required to move a large percentage of the solid waste haul from the urban area, and serves as a main access for residents west of the City. Engleman is a main ingress/egress route from the northwest area of the City for points west and south. In order to keep these main roads opened during construction, it is proposed that a temporary construction easement be acquired adjacent to the existing R-O-W. The construction easement would be in place only for the duration of the construction project, and would allow all lanes of traffic on both Potash and Engleman to remain in service during the project. A plat of the proposed temporary construction easement is attached for reference.

Additionally, because of the heavy traffic use of Old Potash Highway, there is a right turn lane installed for the west bound lane at the intersection with Engleman Road. In order to avoid having to remove and re-install that lane, and in order to minimize the impact to traffic flow at that busy intersection, the line route has been designed to avoid the right turn lane, by shifting the pipe route to the north of the existing Potash Highway R-O-W. The shift of the line route to avoid the turn lane would place it outside the existing R-O-W, thus requiring the acquisition of a 12' wide permanent easement from the adjacent agricultural property. A plat of the proposed permanent easement is attached.

Utilities Department staff initiated contact with the property owner in order to negotiate the proposed easements to proceed with the line installation as described. The property ownership is Robin and Barbara M. Irvine, 56520 310<sup>th</sup> Road, Ravenna, Nebraska. The Department commissioned a professional appraisal of the property from which the planned easements are to be secured. Department staff first met with the property owner, Robin Irvine, in February of 2010, at which time the proposed project was explained. Copies of the plats of the proposed easement were provided to Mr. Irvine along with a copy of the appraisal and a map of the water line route. Subsequent attempts to set up additional meetings were not successful until June 2, 2010, at which time agreement was not reached. A final phone conversation on August 23, 2010, confirmed that the

difference in offered price based on the appraisal, of \$1,590.00, and the owner's requested price, of \$18,300.00, would not be settled. Utility and Legal staff met to discuss what action to take in order to proceed with the water trunkline construction as budgeted for the 2010-2011 fiscal year, and agreed that proceeding with condemnation was appropriate. That recommendation was made to the City Council.

The City Council authorized staff to proceed with the condemnation action at their regular meeting of September 14, 2010. With that authorization, 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 Tuesday, November 9, 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 location of the property in question where the appraisers viewed actual field conditions. The Board of Appraisers has issued their finding. Their ruling sets the value of the easements at \$1,945.00. The Appraiser's ruling is attached.

### **Alternatives**

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

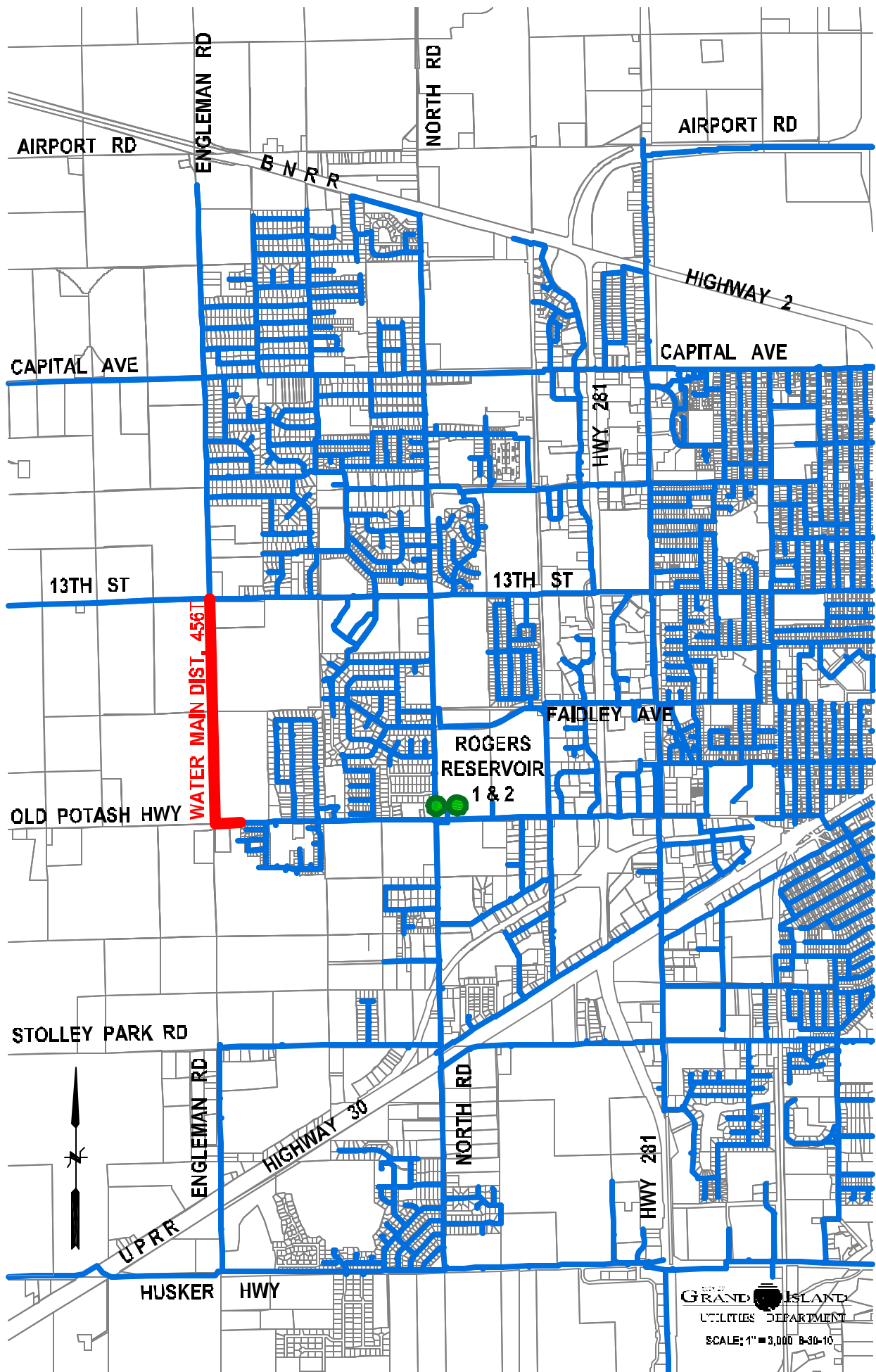
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

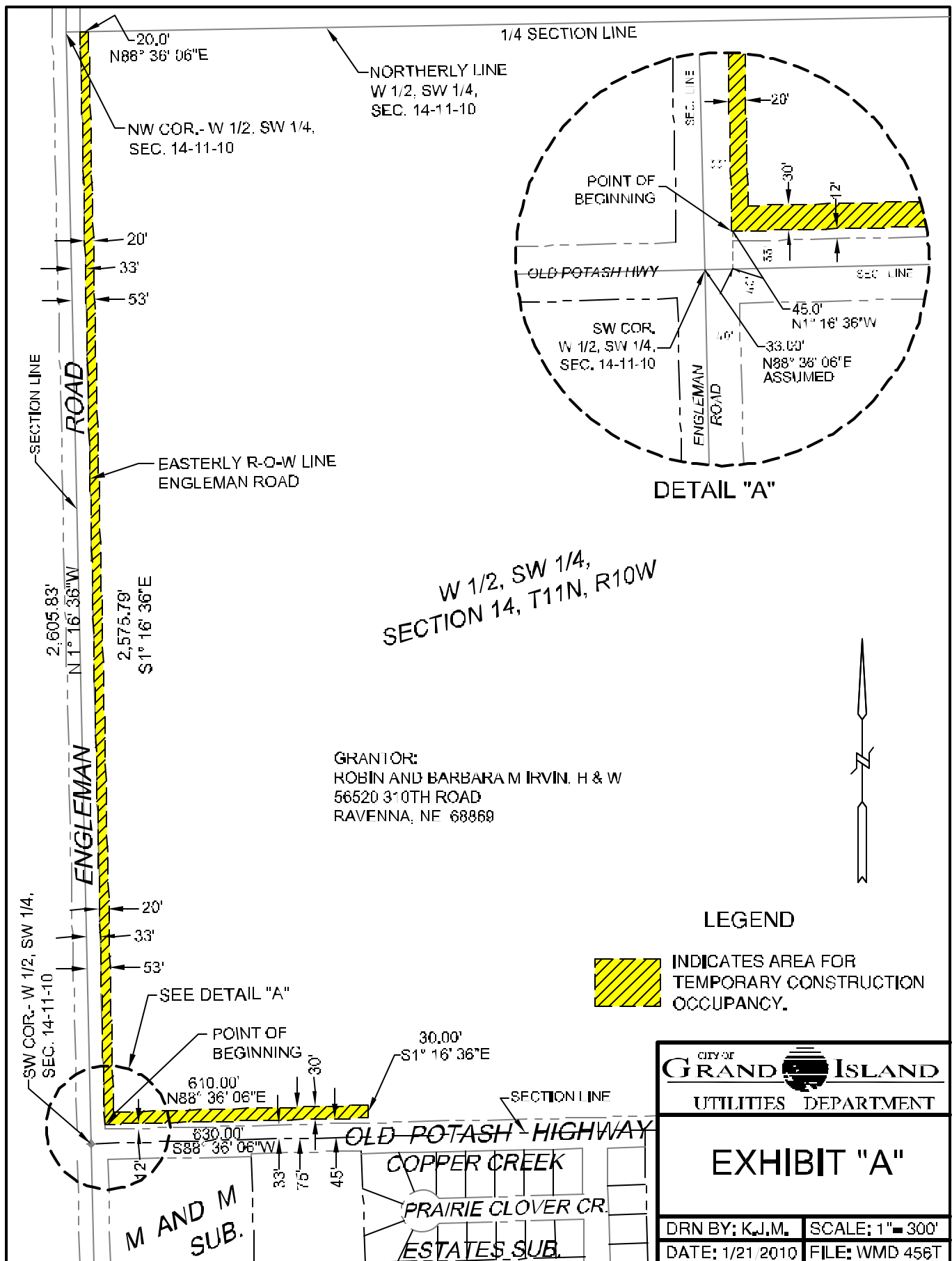
### **Recommendation**

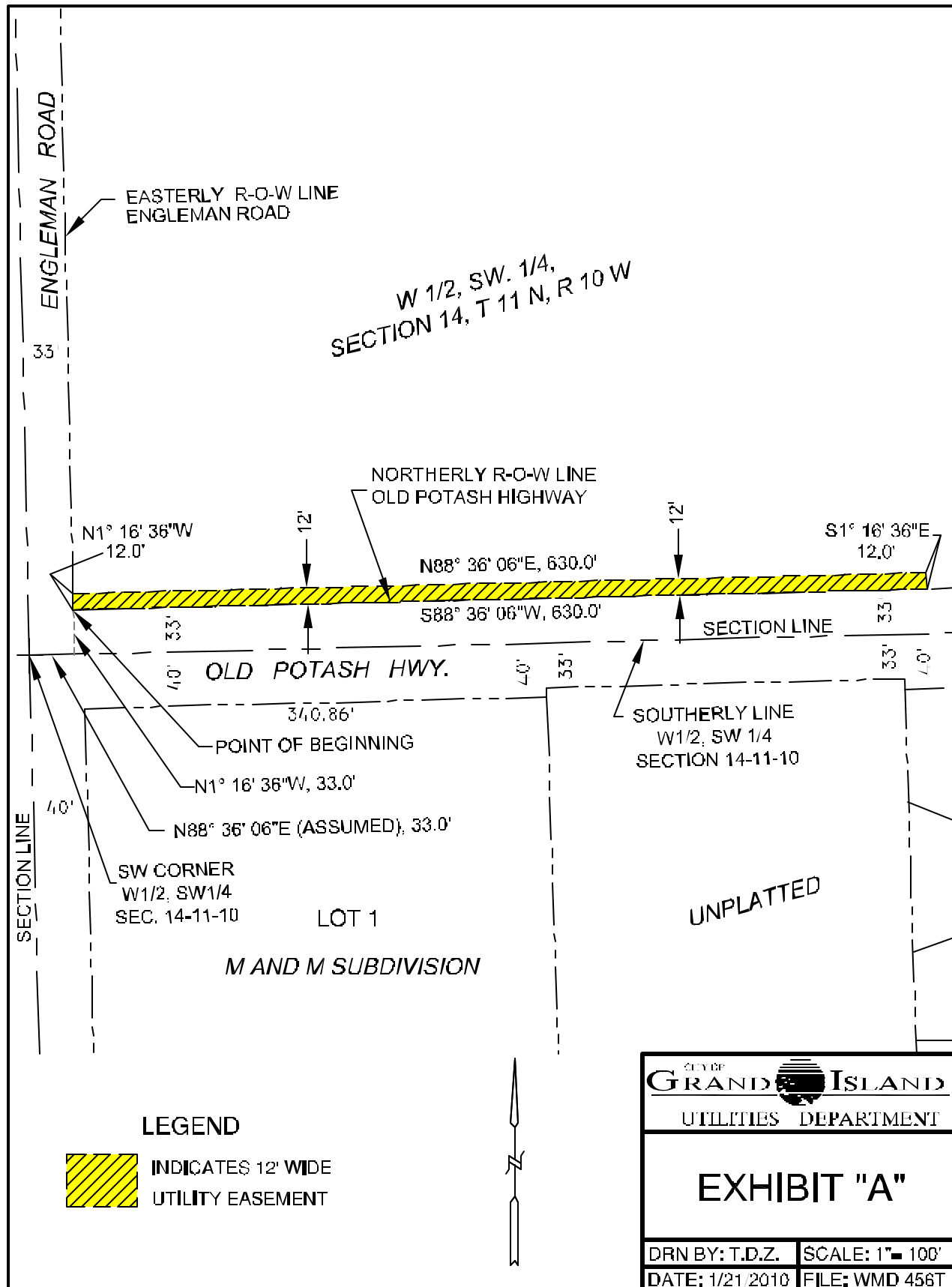
City Administration recommends that the Council authorize acquisition of the easements and accept the findings of the court appointed appraisers and authorize payment of \$1,945.00 for the easement.

### **Sample Motion**

Move to acquire the easements for construction of Water Main District 456T and to accept the findings of the court appointed appraisers and authorize payment of \$1,945.00 for the easements.







IN THE COUNTY COURT OF HALL COUNTY, NEBRASKA

CITY OF GRAND ISLAND, NEBRASKA,  
A Municipal Corporation,

Condemner,

v.

ROBIN IRVINE and BARBARA M. IRVINE,  
Husband and Wife,

Condemnees.

Case No. CI10-4836

REPORT OF APPRAISERS

FILED  
NOV 12 2010  
REYNALDA A. CAMPBELL, CLERK  
MAGISTRATE  
HALL CO COURT

NOW on this 9th day of November, 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 21, 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, Hendricksen Appraisal Co., 2514 North Webb Road, Grand Island, NE 68803; Rock Stahla, Stahla Appraisal, 311 West 17<sup>th</sup> Street, Grand Island, NE 68801; and Patricia Wieser, Appraisal Services, 729 Church Road, Grand Island, NE 68801.



4. Said appraisers did meet on November 9, 2010, at 9:00 o'clock, 9.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, Rock Stahla, Patricia Wieser, Appraisers; Dale Shotkoski, Attorney for the City of Grand Island; Gary Mader, Tom Barnes, Robert Smith  
Robin Ervine Gary Hasselbrook.

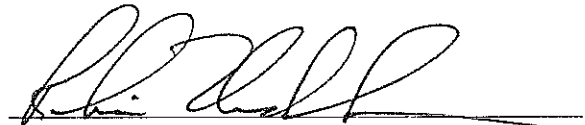
5. The undersigned appraisers find that the amount of damages sustained by the Condemnees, as owners of the below described real estate, by reason of the taking thereof by the Condemner for public easement and right-of-way, to be in the amount of \$ 1945.00, said real estate described as follows:


A TWELVE (12.0) FOOT WIDE PUBLIC UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) OF SECTION FOURTEEN (14), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6<sup>TH</sup> P.M., HALL COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) OF SECTION FOURTEEN (14), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6<sup>TH</sup> P.M., HALL COUNTY, NEBRASKA; THENCE EASTERLY ON AN ASSUMED BEARING OF N88°36'06"E ALONG THE SOUTHERLY LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) OF SAID SECTION FOURTEEN (14), A DISTANCE OF THIRTY-THREE (33.0) FEET; THENCE N1°16'36"W, A DISTANCE OF THIRTY-THREE (33.0) FEET TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LIEN OF ENGLEMAN ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF OLD POTASH HIGHWAY, SAID POINT ALSO BEING THE ACTUAL POINT OF BEGINNING; THENCE N1°16'36"W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID ENGLEMAN ROAD, A DISTANCE OF TWELVE (12.0) FEET; THENCE N88°36'06"W RUNNING PARALLEL WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID OLD POTASH HIGHWAY, A DISTANCE OF SIX HUNDRED THIRTY (630.0) FEET; THENCE S1°16'36"E, A DISTANCE OF

TWELVE (12.0) FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID OLD POTASH HIGHWAY; THENCE S88°36'06"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID OLD POTASH HIGHWAY, A DISTANCE OF SIX HUNDRED THIRTY (630.0) FEET TO THE SAID POINT OF BEGINNING. SAID EASEMENT AND RIGHT-OF-WAY CONTAINS 0.174 ACRES, MORE OR LESS.

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: \$1945.

  
Appraiser

  
Appraiser

  
Appraiser

RESOLUTION 2010-327

WHEREAS, on September 14, 2010, by Resolution #2010-241, the City Council of Grand Island, Nebraska, authorized City staff to acquire certain tracts of land for utility easements from Robin and Barbara Irvine for the construction of Water Main District 456T; and

WHEREAS, a condemnation hearing was held in Hall County Court on November 9, 2010, wherein the Board of Appraisers issued their determination; for the acquisition of said utility easements; and

WHEREAS, in order to acquire the easements for construction of Water Main District 456T, it is necessary that the City deposit with Hall County Court the amount of \$1,945.00 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 acquire the easements for construction of Water Main District 456T and deposit with the Hall County Court the sum of \$1,945.00 for the utility easements, in accordance with the laws of eminent domain.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 23, 2010.

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Margaret Hornady, Mayor

Attest:

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