



# City of Grand Island

Tuesday, August 09, 2011

Council Session

## Item G18

**#2011-202 - Approving Acquisition of Public Utility Easement  
Located in the Northwest Quarter of the Northwest Quarter of  
Section 24, Township 11, Range 10 (Little B's Corporation)**

*This item relates to the aforementioned Public Hearing item E-6.*

Staff Contact: John Collins, Public Works Director

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

**PUBLIC UTILITIES EASEMENT**

LITTLE B'S CORPORATION, a Nebraska Corporation, herein called the Grantor, in consideration of THREE HUNDRED, SIXTY DOLLARS AND SEVENTY-FOUR CENTS (\$360.74) and other consideration, receipt of which is hereby acknowledged, hereby grant and convey unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a sixty (60.0) foot x one hundred thirty (130.0) foot wide permanent and perpetual easement and right-of-way to construct, operate, maintain, extend, repair, replace, and remove public utilities, including but not limited to, sanitary sewers, storm sewers, drainage ditches, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through an unplatted tract of land located in part of the northwest quarter (NW ¼), northwest quarter (NW ¼) of Section 24, Township 11, Range 10, City of Grand Island, Hall County, Nebraska and more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW ¼), NORTHWEST QUARTER (NW ¼) SECTION 24, TOWNSHIP 11, RANGE 10, THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF ONE HUNDRED THIRTY (130.0) FEET, THENCE SOUTHERLY ON A LINE ONE HUNDRED THIRTY (130.0) FEET EAST OF AN DPARALLEL TO THE WEST LINE OF SAID SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF SIXTY (60.0) FEET, THENCE WESTERLY ON A

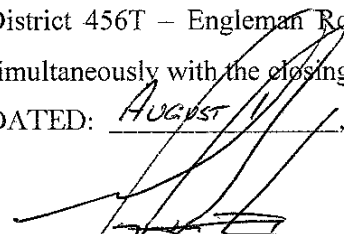
LINE SIXTY (60.0) FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF ONE HUNDRED THIRTY (130.0) FEET TO A POINT ON THE WEST LINE OF SECTION 24, TOWNSHIP 11, RANGE 10, THENCE NORTHERLY ON THE WEST LINE OF SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF SIXTY (60.0) FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE NORTHERLY THIRTY THREE (33.0) FEET AND THE WESTERLY THIRTY THREE (33.0) FEET BEING EXISTING RIGHT-OF-WAY.

Together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted, to excavate and refill ditches and trenches, and the right to clear and keep clear of structures, fences, trees, brush, hedges, and other obstructions that might interfere with the location, construction, inspection, repair, replacement, removal, and maintenance of such utilities. Any such utilities and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee and may be removed or replaced at any time.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted within the easement area and that the easement herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

Project activity on Storm Sewer Project 2008-D-2 shall be coordinated with Water Main District 456T – Engleman Road so that the closing of Old Potash Highway will not occur simultaneously with the closing of 13<sup>th</sup> Street

DATED: AUGUST, 2011

  
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GREG BAXTER, PRESIDENT

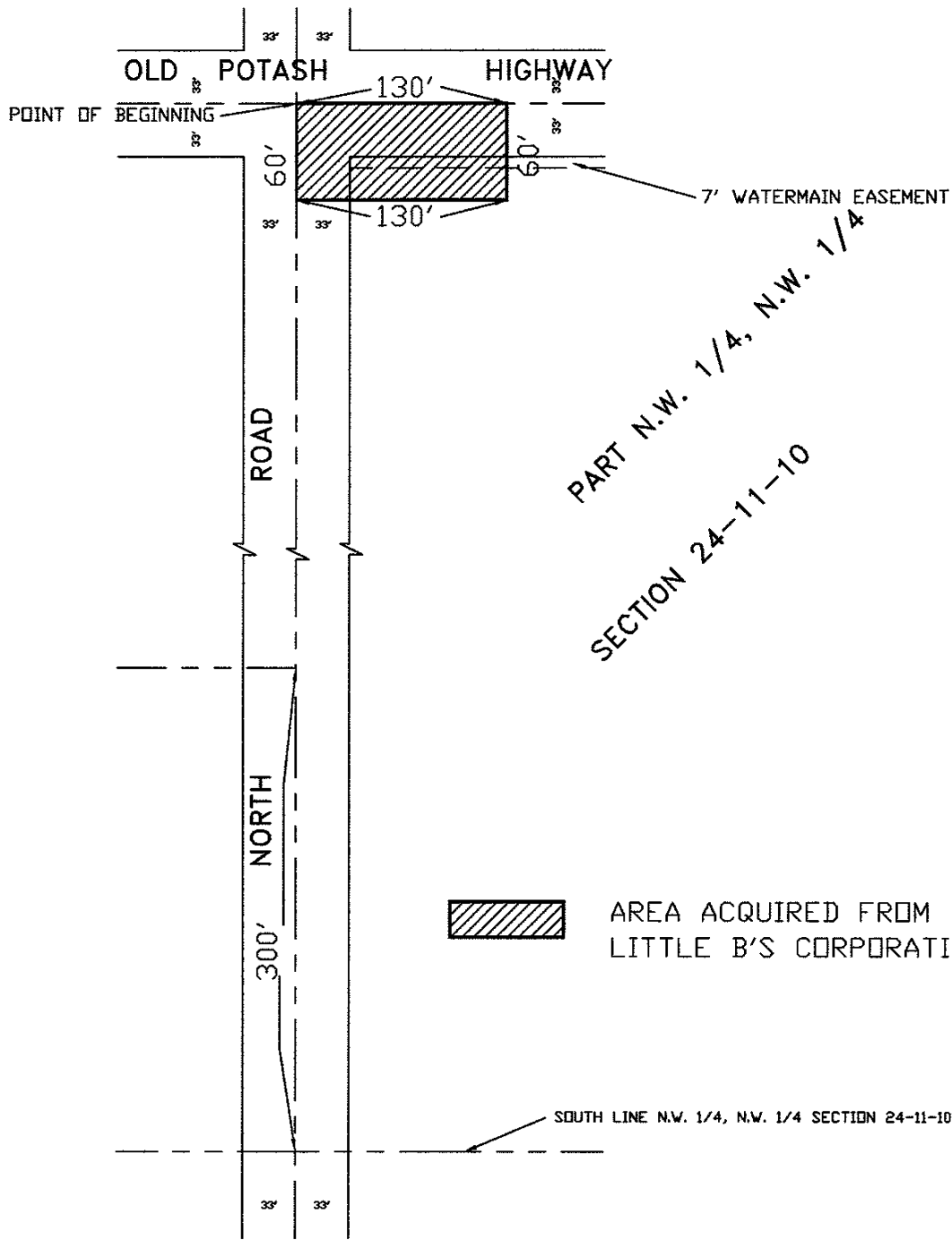
STATE OF NEBRASKA            )  
  ) ss  
COUNTY OF HALL

On this 1<sup>st</sup> day of AUGUST, 2011 before me, the undersigned, a Notary Public in and for said County and State, personally appeared GREG BAXTER, PRESIDENT, to me known to be the identical persons who signed the foregoing Public Utility Easement and acknowledge the execution thereof to be their voluntary act and deed as such officer on behalf of said company for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.



  
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Notary Public



# EXHIBIT "A"

**CITY OF GRAND ISLAND**  
PUBLIC WORKS DEPARTMENT

DATE: 3/10/08  
DRN BY: L.D.C.  
SCALE: 1" = 100'

PLAT TO ACCOMPANY DEED

RESOLUTION 2011-202

WHEREAS, a public utility easement is required by the City of Grand Island, from Little B's Corporation, to construct and maintain the Moores Creek Drainage Project No. 2008-D-2; and

WHEREAS, a public hearing was held on August 9, 2011, for the purpose of discussing the proposed acquisition of an easement consisting of an unplatted tract of land located in part of the northwest quarter (NW ¼), northwest quarter (NW ¼) of Section 24, Township 11, Range 10, City of Grand Island, Hall County, Nebraska and more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW ¼), NORTHWEST QUARTER (NW ¼) SECTION 24, TOWNSHIP 11, RANGE 10, THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF ONE HUNDRED THIRTY (130.0) FEET, THENCE SOUTHERLY ON A LINE ONE HUNDRED THIRTY (130.0) FEET EAST OF AN DPARALLEL TO THE WEST LINE OF SAID SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF SIXTY (60.0) FEET, THENCE WESTERLY ON A LINE SIXTY (60.0) FEET SOUT OF AND PARALLEL TO THE NORTH LINE OF SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF ONE HUNDRED THIRTY (130.0) FEET TO A POINT ON THE WEST LINE OF SECTION 24, TOWNSHIP 11, RANGE 10, THENCE NORTHERLY ON THE WEST LINE OF SECTION 24, TOWNSHIP 11, RANGE 10 FOR A DISTANCE OF SIXTY (60.0) FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE NORTHERLY THIRTY THREE (33.0) FEET AND THE WESTERLY THIRTY THREE (33.0) FEET BEING EXISTING RIGHT-OF-WAY.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from Little B's Corporation, on the above-described tract of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2011.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form    ☐ \_\_\_\_\_  
August 4, 2011         ☐ City Attorney