



City of Grand Island

Tuesday, September 13, 2011

Council Session

Item F8

#9325 - Consideration of Granting a Temporary Construction Easement to Burlington Northern Santa Fe (BNSF) on City Owned Property Located West of Webb Road and North of BNSF Railroad Tracks

Staff Contact: Robert Sivick

Council Agenda Memo

From: Chad Nabity, Regional Planning Director
Tim Luchsinger, Utilities Director
Jason Eley, Assistant City Attorney

Meeting: September 13, 2011

Subject: BNSF Double Track Project - Ordinance for Temporary Construction Easement

Item #'s: F-8

Presenter(s): Chad Nabity, Regional Planning Director
Collin Stevens, BNSF

Background

In 1993 the Burlington Northern Santa Fe Railroad (BNSF) executed agreements to provide for the construction of a railroad grade separation project to carry a single track over Union Pacific track in Grand Island, Nebraska. The project was to eliminate at-grade crossings at Capitol Avenue, 18th, 10th, 7th and 4th streets.

BNSF rail traffic has developed to the point where BNSF now wishes to expand the grade separation project to allow for a double track for BNSF traffic in Grand Island, Nebraska and this development will impact City of Grand Island property.

Discussion

A temporary construction easement is required in the Northeast Quarter of the Southeast Quarter of Section 1, Township 11 North, Range 10 West of the 6th P.M., Hall County, Nebraska to proceed with BNSF's double track expansion. Authorization of the easement document is contingent upon City Council approval.

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 City Council approve a temporary construction easement for double track expansion construction.

Sample Motion

Move to approve an ordinance granting a temporary construction easement for construction of certain Burlington Northern Santa Fe railroad tracks for double track expansion and related equipment and facilities in, on, over, under and through Grand Island, NE.

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 9325

An ordinance for a temporary construction easement in the Northeast Quarter of the Southeast Quarter (NE¹/₄SE¹/₄) of Section One (1), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; 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. That the City of Grand Island, Nebraska, a Municipal Corporation in Hall County, Nebraska, in consideration of Ten Dollars (\$10.00) and other consideration, receipt of which is hereby acknowledged, hereby grants unto Burlington Northern Santa Fe Railroad (BNSF), a Delaware Corporation, a temporary construction easement for the construction and installation of a “double track” expansion of railroad tracks and related equipment and facilities in, on, over, under and through the following described property situated in Hall County, Nebraska, to-wit:

Approved as to Form	☐ _____
September 8, 2011	☐ City Attorney

ORDINANCE NO. 9325 (Cont.)

A track of land located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section One (1), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, more particularly described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section One (1); thence on an assumed bearing of South 85°58'50" West a distance of Thirty-Nine and Eighty-Five Hundredths (39.85) feet to a point on the westerly Right-of-Way line of North Webb Road; thence South 01°23'00" East along said Right-of-Way line a distance of Eighty-Seven and Thirty Hundredths (87.30) feet to the Point of Beginning; thence South 01°23'00 East a distance of Fifty-Two and Twenty-Five Hundredths (52.25) feet to a point on the northerly Right-of-Way line of the BNSF Railroad; thence N 75°58'20" West along said BNSF Railroad Right-of-Way line a distance of Five Hundred Seven and Seventy Hundredths (507.70) feet; thence North 89°04'30" East a distance of One Hundred Eighty-Two and Eight Hundredths (182.08) feet; thence South 74°59'10" East a distance of Three Hundred Seventeen and Eighty-Eight Hundredths (317.88) feet to the Point of Beginning.

SECTION 2. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 3. 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: September 13, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk