



City of Grand Island

Tuesday, September 13, 2011

Council Session

Item G25

#2011-250 - Approving Agreement for Temporary Construction Easement at the Southwest Corner of Capital Avenue and Sky Park Road (Procon Development Company, L.L.C.)

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, PW Project Manager

Meeting: September 13, 2011

Subject: Approving Agreement for Temporary Construction Easement at the Southwest Corner of Capital Avenue and Sky Park Road (Procon Development Company, L.L.C.)

Item #'s: G-25

Presenter(s): John Collins, Public Works Director

Background

Intersections along truck routes throughout the City weren't sized to properly accommodate semi truck traffic. Public Works Administration plans to address high truck traffic intersections by widening the radius of each corner.

Discussion

The first intersection to be addressed by Public Works Administration is Capital Avenue and Sky Park Road.

A temporary construction easement is required in the southwest corner of the intersection, which has been signed by the property owner. 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

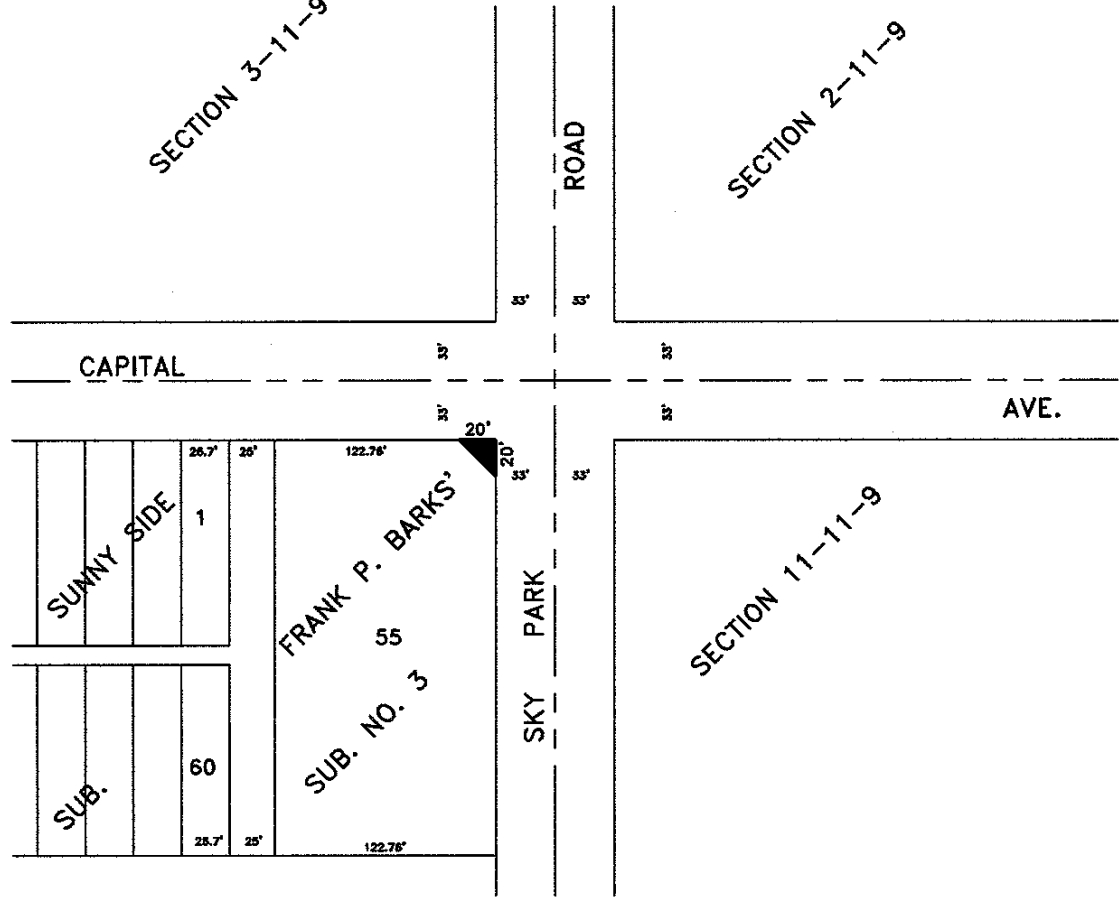
City Administration recommends that the Council approve the Agreement for Temporary Construction Easement between the City of Grand Island, Public Works Department and Procon Development Company, L.L.C.

Sample Motion

Move to approve the Temporary Construction Easement.

SECTION 3-11-9

SECTION 2-11-9



LEGEND

TEMPORARY CONSTRUCTION EASEMENT AREA



CITY OF GRAND ISLAND PUBLIC WORKS DEPARTMENT

DATE: 7/28/11 DRN BY: L.D.C. SCALE: 1"=100'

PLAT TO ACCOMPANY TEMPORARY CONSTRUCTION EASEMENT

AGREEMENT FOR TEMPORARY CONSTRUCTION OCCUPANCY

Agreement made and entered into by and between the City of Grand Island, a municipal corporation of the State of Nebraska, herein referred to as "City", and Procon Development Company, L.L.C., owner, herein referred to as "Owner", whether one or more.

Recitals

WHEREAS, the City intends to widen the turning radius on the southwest corner of the intersection at Capital Avenue and Sky Park Road, on or adjacent to property owned by Owner; and

WHEREAS, it may be necessary for the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives to enter upon, travel over, excavate, clear, backfill, store materials upon, and otherwise use the lands herein described which are owned by Owner during the afore mentioned construction project.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained within this agreement, the parties agree as follows:

Section One Right of Entry

Owner hereby grants to the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives the right to enter upon the following described real estate:

Beginning at the northeast corner of Lot 55, Frank P. Bark's Subdivision No. 3, said point also being the intersection of the west line of Sky Park Road and the south line of Capital Avenue; thence southerly on the west line of Sky Park Road for a distance of 20'; thence north westerly on a line to a point on the south line of Capital Avenue, said point being 20' west of the northeast corner Lot 55, Frank P. Bark's Subdivision No. 3; thence easterly on the south line of Capital Avenue for a distance of 20' to the point of beginning containing 200 square feet, plus or minus;

to do such work as may be necessary or appropriate for the construction of the widening at the southwest corner of the intersection at Capital Avenue and Sky Park Road and related facilities on or adjacent to such property. Such right of entry shall include, but not be limited to the right to enter upon, travel over, excavate, clear drives and other improvements, backfill, store materials upon, and otherwise use the above described premises.

Section Two Term of Agreement

The premises may be occupied and used by the City for the purpose related hereto during the period beginning upon execution of this agreement and continuing until the construction work for the widening at the southwest corner of the intersection at Capital Avenue and Sky Park Road has been completed.

Section Three Compensation

The compensation for the temporary construction occupancy shall be \$1.00 (One dollar and 00/cents).

Section Four
Restoration

The City agrees to: (a) restore the property as reasonably practical to its grade and condition prior to construction and (b) prior to the termination of this Agreement.

Section Five
Assignment

It is understood that the rights of the Owner do not automatically transfer upon sale or lease of the real estate. The City agrees to permit assignment of the rights and obligations of the Owner to a sub-sequential buyer or tenant, provided the Owner obtains the city's prior written consent, which the City shall not unreasonably withhold.

Dated _____, 2011

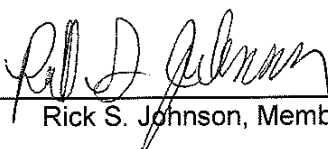
CITY OF GRAND ISLAND, NEBRASKA
Municipal Corporation

By _____

Procon Development Company, L.L.C.

By  _____
Russ J. Giesenhagen, Member

By  _____
K.C. Hehnke, Member

By  _____
Rick S. Johnson, Member

RESOLUTION 2011-250

WHEREAS, a temporary construction easement is required by the City of Grand Island, from Procon Development Company, L.L.C., to allow for the radius improvements at the Capital Avenue and Sky Park Road intersection, as follows:

BEGINNING AT THE NORTHEAST CORNER OF LOT 55, FRANK P. BARK'S SUBDIVISION NO. 3, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST LINE OF SKY PARK ROAD AND THE SOUTH LINE OF CAPITAL AVENUE; THENCE SOUTHERLY ON THE WEST LINE OF SKY PARK ROAD FOR A DISTANCE OF 20'; THENCE NORTH WESTERLY ON A LINE TO A POINT ON THE SOUTH LINE OF CAPITAL AVENUE, SAID POINT BEING 20' WEST OF THE NORTHEAST CORNER LOT 55, FRANK P. BARK'S SUBDIVISION NO. 3; THENCE EASTERLY ON THE SOUTH LINE OF CAPITAL AVENUE FOR A DISTANCE OF 20' TO THE POINT OF BEGINNING CONTAINING 200 SQUARE FEET, PLUS OR MINUS

WHEREAS, an Agreement for Temporary Construction Easement has been reviewed and approved by the City Legal Department.

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 enter into the Agreement for Temporary Construction Easement on the above described tract of land.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreements on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

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