



City of Grand Island

Tuesday, September 27, 2011

Council Session

Item G39

**#2011-292 - Approving Repeal of Water Main District #463 -
Bantam & Brahma Streets - Ordinance #9305**

Staff Contact: Tim Luchsinger

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director

Meeting: September 27, 2011

Subject: Consideration of Repeal of Water Main District #463 –
Brahma & Bantam Streets - Ordinance #9305

Item #'s: G-39

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Water Main District 463 was created at the request of area residents to provide municipal water service to the area. The district would have served the properties along Brahma and Bantam Streets.

Discussion

Ordinance #9305 provided for creation of Water Main District #463. The proposed project would have installed 8” diameter water mains to serve the 21 lots within the district’s boundary. The project was designed as an assessment district, the Utility Department’s standard method for installing water lines at the request of area property owners in developed areas. The district was subject to a 30 day protest period. All owners of record title within the district’s boundary were notified of the creation of the district and advised of the protest provisions. The protest period for Water Main District #463 ended at 5:00 p.m., Friday, September 16, 2011. Protests received represent 58.70% of the front footage of the district. Attached for reference is a plat indicating the district’s boundaries and the protests received. Per Nebraska statute 16.667.01 R.R.S. 1943, if protest is received from property owners representing more than 50% of the front footage in the district, that district may not be continued.

Alternatives

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

The Council may:

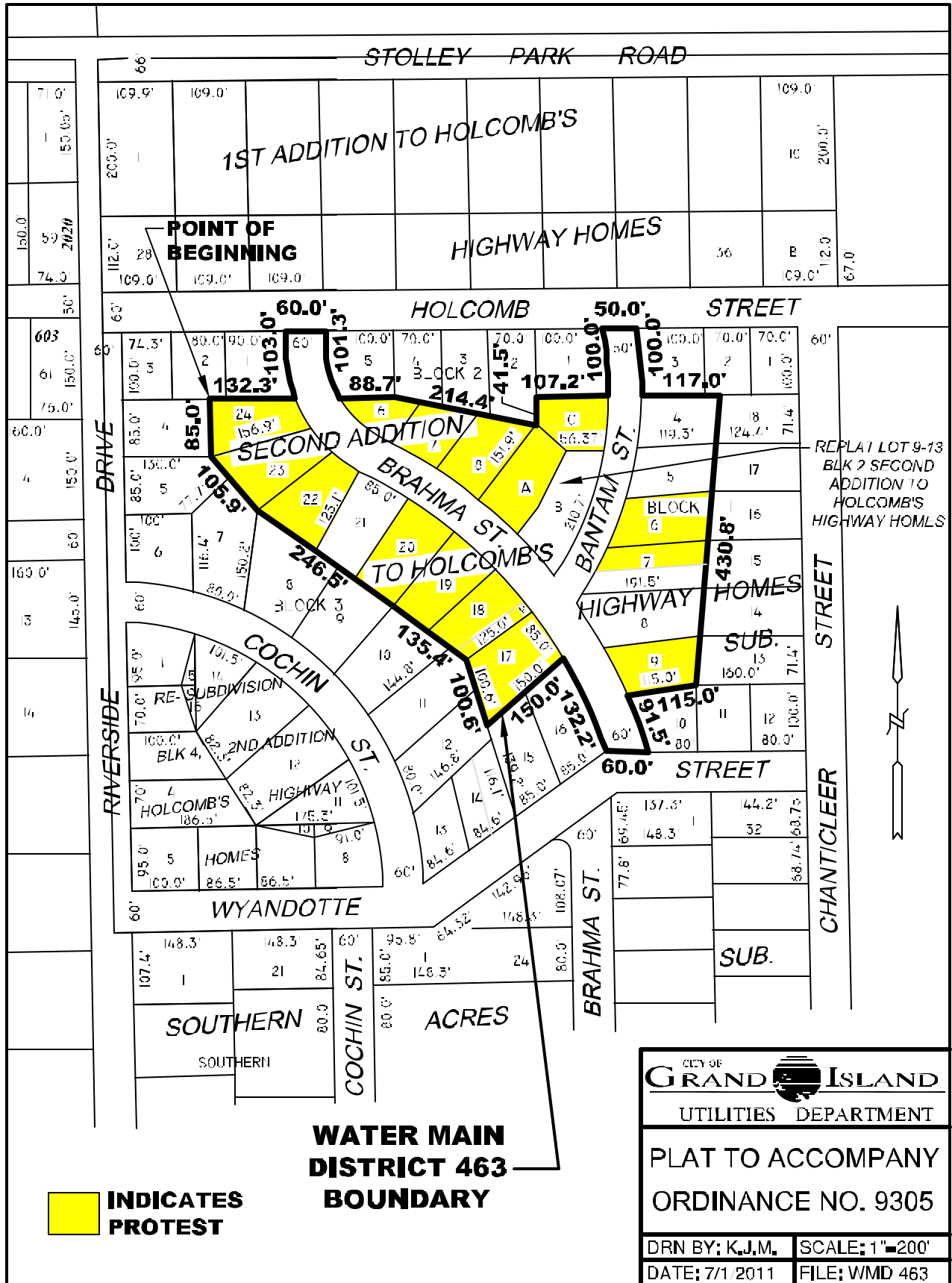
1. Repeal Ordinance #9305 creating Water Main District #463
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council repeal Ordinance #9305 - Water Main District #463 along Brahma and Bantam Streets.

Sample Motion

Move to repeal Ordinance #9305 creating Water Main District #463.



INDICATES PROTEST

WATER MAIN DISTRICT 463 BOUNDARY

CITY OF
GRAND ISLAND
 UTILITIES DEPARTMENT
 PLAT TO ACCOMPANY
 ORDINANCE NO. 9305
 DRN BY: K.J.M. SCALE: 1"=200'
 DATE: 7/1 2011 FILE: WMD 463

REPLAT LOT 9-13
 BLK 2 SECOND
 ADDITION TO
 HOLCOMB'S
 HIGHWAY HOMES



WMD	Owner Name	Owner Address	Renter Address	Lot	Block	Subdivision / Section	Legal	Frontage	Square Footage	For	Against
463	Daniel C. & Kassie L. Morse	2111 Bantam Street		4	1	2nd Addition to Holcomb's Highway HomesSub		80.00	8,816.00	X	
463	John E. Janssen	2123 Bantam Street		5	1	2nd Addition to Holcomb's Highway HomesSub		80.00	9,172.90		
463	Brenda J. Hawley	2203 Bantam Street		6	1	2nd Addition to Holcomb's Highway HomesSub		80.00	10,113.60		X 80.00
463	Brenda J. Hawley	2203 Bantam Street		PT 7	1	2nd Addition to Holcomb's Highway HomesSub	N 1/2 Lot 7, Block 1, 2nd Addition to Holcomb's HighwayHomes Sub	40.00	5,442.80		X 40.00
463	Ted J. Robb	2811 South Locust Street	2211 Brahma	PT 7	1	2nd Addition to Holcomb's Highway HomesSub	S 1/2 Lot 7, Block 1, 2nd Addition to Holcomb's HighwayHomes Sub	40.00	5,764.30		
463	Ted J. Robb	2811 South Locust Street		8	1	2nd Addition to Holcomb's Highway HomesSub		91.80	13,563.00		
463	Carlos Alarcon and Delfina Alarcon Velez	2223 Brahma Street		9	1	2nd Addition to Holcomb's Highway HomesSub		75.00	9,331.00		X 75.00
463	Connie M. Rookstool	2121 Brahma Street		6	2	2nd Addition to Holcomb's Highway HomesSub		113.70	4,525.80		X 113.70
463	Connie M. Rookstool	2121 Brahma Street		PT 7	2	2nd Addition to Holcomb's Highway HomesSub	W 65' Lot 7, Block 2, 2nd Addition to Holcomb's HighwayHomes Sub	65.00	5,799.60		X 65.00
463	John C. & Stephanie L. Hansen	2135 Brahma Street		PT 7	2	2nd Addition to Holcomb's Highway HomesSub	E 10' Lot 7, Block 2, 2nd Addition to Holcomb's HighwayHomes Sub	10.00	1,003.20		X 10.00

463	John C. & Stephanie L. Hansen	2135 Brahma Street		8	2	2nd Addition to Holcomb's Highway HomesSub		75.00	9,470.50		X	75.00
463	Steven M. & Cynthia J. Mason	2216 Brahma Street		17	3	2nd Addition to Holcomb's Highway HomesSub		85.00	12,821.30		X	85.00
463	Steven M. & Cynthia J. Mason	2216 Brahma Street		PT 18	3	2nd Addition to Holcomb's Highway HomesSub	S 20' Lot 18, Block 3, 2nd Addition to Holcomb's HighwayHomes Sub	20.00	2,484.00		X	20.00
463	AlanJ. & Julie Hayman	2208 Brahma Street		PT 18	3	2nd Addition to Holcomb's Highway HomesSub	N 65' Lot 18, Block 3, 2nd Addition to Holcomb's HighwayHomes Sub	65.00	7,664.70		X	65.00
463	AlanJ. & Julie Hayman	2208 Brahma Street		PT 19	3	2nd Addition to Holcomb's Highway HomesSub	S 65' Lot 19, Block 3, 2nd Addition to Holcomb's HighwayHomes Sub	65.00	7,357.80		X	65.00
463	Nicholas O. & Diane K. Boyd	2134 Brahma Street		PT 19	3	2nd Addition to Holcomb's Highway HomesSub	N 20' Lot 19, Block 3, 2nd Addition to Holcomb's HighwayHomes Sub	20.00	2,849.90		X	20.00
463	Nicholas O. & Diane K. Boyd	2134 Brahma Street		20	3	2nd Addition to Holcomb's Highway HomesSub		85.00	13,904.12		X	85.00
463	Kent C. & Dianna L. Orr	2114 Brahma Street		23	3	2nd Addition to Holcomb's Highway HomesSub		50.50	10,444.80		X	50.50
463	Kent C. & Dianna L. Orr	2114 Brahma Street		24	3	2nd Addition to Holcomb's Highway HomesSub		45.20	8,634.40		X	45.20
463	Nina R. Smith	2203 Brahma Street		A		2nd Addition to Holcomb's Highway HomesSub	Replat of Lots 9-13, Block 2, 2nd Addition to Holcomb's HighwayHomes Sub	75.00	10,621.50		X	75.00

463	Robert C. Merrick, Jr.	2124 Bantam Street				2nd Addition to Holcomb's Highway Homes Sub	Replat of Lots 9-13, Block 2, 2nd Addition to Holcomb's Highway Homes Sub	395.70	12,574.90			
463	Barbara A. Fowle	2110 Bantam Street		C		2nd Addition to Holcomb's Highway Homes Sub	Replat of Lots 9-13, Block 2, 2nd Addition to Holcomb's Highway Homes Sub	80.60	7,602.70	X	80.60	
463	James E. & Wilma M. Zahm	2118 Brahma Street		22		2nd Addition to Holcomb's Highway Homes Sub		47.80	7,602.70	X	47.80	
463	Hall County Housing Auth.	2122 Brahma Street		21		2nd Addition to Holcomb's Highway Homes Sub		85.00	7,602.70			
TOTAL								1,870.30	179,962.82			1,097.80
											% of Protest	58.70%

This Space Reserved for Register of Deeds

R E S O L U T I O N 2011-292

WHEREAS, Water Main District No. 463 was created by Ordinance No. 9305 on August 9, 2011; and

WHEREAS, notice of the creation of such water district was published in the *Grand Island Independent*, in accordance with the provisions of Section 16-667.01, R.R.S. 1943; and

WHEREAS, Section 16-667.01, R.R.S. 1943, provides that is the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within 30 days from the first publication of said notice written objections to such district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, protests were filed with the City Clerk against the creation of Water Main District No. 463 by abutting property owners representing 58.70% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that sufficient protests have been filed with the City Clerk against the creation of Water Main District No. 463, and such district shall not be continued and the ordinance which created said district shall be repealed.

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Approved as to Form ✕ _____ September 22, 2011 ✕ City Attorney

Adopted by the City Council of the City of Grand Island, Nebraska, September 27, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk