



# City of Grand Island

Tuesday, December 06, 2011

Council Session

## Item F1

**#9346 - Consideration of Annexation of Property Located at 1120 and 1140 South Lincoln (former Aurora Coop Site) (Second Reading)**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Chad Nabity, Regional Planning Director

**Meeting:** December 6, 2011

**Subject:** Annexation of Property Located North of Fonner Park Road and West of Lincoln Avenue (Former Aurora Coop Site)

**Item #'s:** F-1

**Presenter(s):** Chad Nabity, Regional Planning Director

## Background

The Annexation Component of the Grand Island Comprehensive Development Plan as adopted by the Grand Island City Council on July 13, 2004 sets as the policy of Grand Island that: County Industrial Tracts should periodically be reviewed as allowed by Revised Nebraska State Statutes for consideration of annexation and that all areas encompassed by the Corporate Limits of Grand Island should be considered for annexation.

Chief Industries, Inc., a Delaware Corporation, has purchased the former Aurora Coop Site. Chief Industries owns additional property in the area including the Chief Fabrication Plant immediately to the west of this property. They have sent a request to the Hall County Board of Supervisors requesting that this property be removed from the County Industrial Tract per NRSS §13-1119. Chief made this same request for the Chief Fabrication Plant property when they purchased it more than 12 years ago. Hall County will hold a hearing on removing the property from the County Industrial Tract at their regular meeting on November 22, 2011.

Chief Industries submitted a letter to the City Clerk dated October 20, 2011 requesting that the City consider annexation of this property per NRSS §16-117 (7). The City is able to annex this property once it has been removed from the County Industrial Tract.

Based on the requests from Chief Industries to remove the property from the County Industrial Tract and to annex the property into the City, staff has prepared an ordinance for annexation that would become effective 15 days after passage on third and final reading and after the property is removed from the County Industrial Tract by the Hall County Board of Supervisors.

## **Discussion**

Staff has prepared an ordinance in accordance with the requirements of Nebraska Revised Statute §16-117 (7). Annexation ordinances must be read on three separate occasions. This is the first reading of the ordinance. This ordinance includes exhibits showing the property to be considered for annexation and the legal descriptions of those properties.

There is no impact to the extraterritorial zoning jurisdiction of the City as the County Industrial Tracts are entirely surrounded by the municipal limits of Grand Island.

No existing residences would be added to the City as a result of this annexation. The buildings included with the Aurora Coop would be added with this annexation but it appears that Chief Industries intends to remove the existing structures to make the property available for redevelopment.

City Council approved Ordinance No. 9346 on first reading at the November 22, 2011 City Council meeting. This would be the second of three readings.

## **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 pass the annexation ordinance.

## **Sample Motion**

Move to approve the annexation ordinance on second reading.

\* This Space Reserved For Register of Deeds \*

ORDINANCE NO. 9346

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land comprised located north of Fonner Park Road and west of Lincoln Avenue in Hall County, Nebraska as more particularly described hereinafter and as shown on Exhibit "A" attached hereto; to provide service benefits thereto; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after the Chief Industries, Inc. A Delaware Corporation as owner of the property submitted a request that the City Annex this property into the City of Grand Island; and

WHEREAS, the Annexation Component of the Comprehensive Development Plan for the City of Grand Island encourages annexation of adjacent properties into the City; and

WHEREAS, Chief Industries, Inc. A Delaware Corporation has requested that this property be removed from the Hall County Industrial Area; and

WHEREAS, Hall County is in the process of removing the property from the Hall County Industrial Area, and

Approved as to Form	☐ _____
December 2, 2011	☐ City Attorney

ORDINANCE NO. 9346 (Cont.)

WHEREAS, according to NRSS §16-117 the City of Grand Island can upon petition of the property owner(s) of property contiguous and adjacent to the City Limits annex said property by ordinance; and

WHEREAS, on November 22, 2011, the City Council of the City of Grand Island approved such annexation on first reading.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. It is hereby found and determined that:

(A) The above-described tracts of land are urban or suburban in character, and that the subject properties are contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed and that this annexation does not extend the extraterritorial zoning jurisdiction.

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

ORDINANCE NO. 9346 (Cont.)

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

SECTION 3. The subject tract of land is hereby annexed to the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect 15 days after its passage, and when final action is taken by Hall County to remove the property from the Hall County Industrial Area, and upon publication, in pamphlet form, as provided by law.

ORDINANCE NO. 9346 (Cont.)

Enacted: December 6, 2011.

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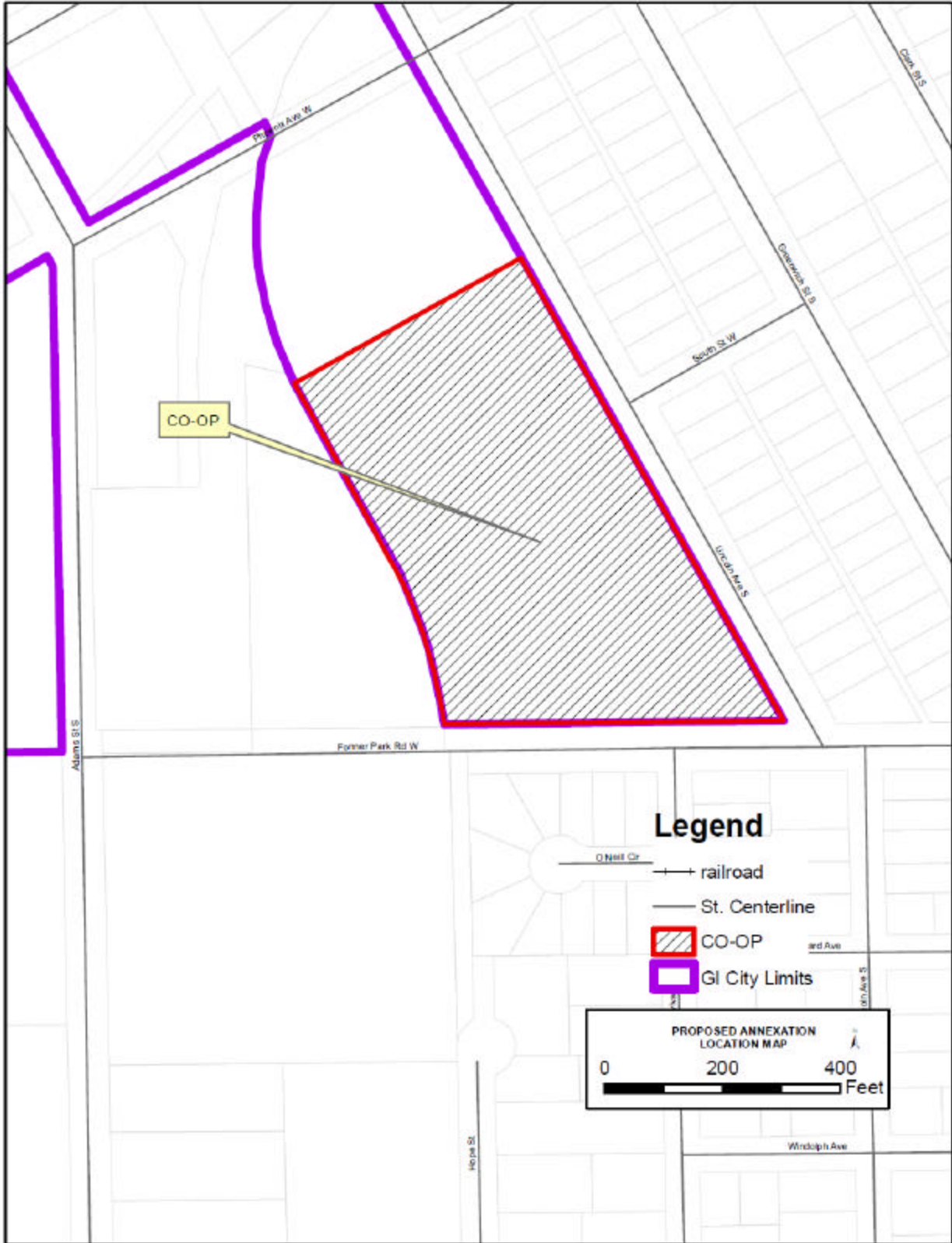
Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

ORDINANCE NO. 9346 (Cont.)





ORDINANCE NO. 9346 (Cont.)

Exhibit A

A tract of land comprising a part of the South Half of the Northeast Quarter (S1/2 NE1/4) a Section of Twenty-One (21), Township Eleven(11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., in Hall County, Nebraska more particularly described as follows:

Beginning at the intersection of the center line of Lincoln Avenue and the centerline of Fonner Park Road (also being the South line of said Northeast Quarter (NE1/4)); thence Northwesterly along the centerline of said Lincoln Avenue, a distance of Nine Hundred Seventy Six and Twenty-five Hundredths (976.25) feet; thence deflecting Left 89 degrees 48'30" and running Southwesterly parallel to the centerline of Phoenix Avenue, a distance of Four Hundred Eighty Two and Two Tenths (482.2) Feet; to the centerline of Burlington Northern Track No. 33; thence deflecting Left 89 degrees 58' and running Southeasterly along said centerline of Track No. 33, a distance of Three Hundred Thirty Five and Twelve Hundredths (335.12) Feet, to a point of curvature; thence running Southwesterly along said centerline of Track No. 33, and on the arc of a curve whose radius is 763.95' (the long chord of which deflects 12 degrees 51' right from the last described course), a long chord distance of Three Hundred Forty Two and Eighteen Hundredths (342.18) feet, to the South line of said Northeast Quarter (NE1/4); thence deflecting Left 74 degrees 10' from said long chord, and running Easterly along the South line of said Northeast Quarter (NE1/4), also being the center line of said Fonner Park road, a distance of Six Hundred Forty and Five Tenths (640.5) feet to the Place of Beginning, excepting there from a tract of land more particularly describe in Corporation Warranty Deed recorded in the Register of Deeds Office as document #76-003924.