



# City of Grand Island

Tuesday, February 14, 2012

Council Session

## Item D1

**#2012-BE-1 - Consideration of Determining Benefits for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road**

Staff Contact: John Collins, Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown, Manager of Engineering Services

**Meeting:** February 14, 2012

**Subject:** Consideration of Determining Benefits for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road

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

**Presenter(s):** John Collins, Public Works Director

## **Background**

The Certificate of Final Completion for Street Improvement District No. 1256 was approved on November 8, 2011 with December 20, 2011 set as the date for Council to sit as the Board of Equalization. All work has been completed and special assessments have been calculated for the Districts.

At the request of the City Council the method of assessment calculations was presented at the January 10, 2012 council meeting.

Nebraska Revised Statute Section 16-622 states, "The cost of making such improvements of the streets and alleys within any street improvement district shall be assessed upon the lots and lands in such district specially benefited thereby in proportion to such benefits."

- Paving Assessment Districts are either petitioned by property owner(s) or ordered via an Ordinance by City Council
- Although each district must be reviewed individually, the same basic principles are generally used in each case. The assessable area, or district boundary, is usually established by including all property which extends back from the improved street half way to the next parallel street. 300 feet as the maximum limit for this distance.
- Improvements due to street widths over 37 feet for residential streets and 41 feet commercial streets are not assessed to property owners
- Replacement costs for existing paving are not included in assessment costs

Nebraska Revised Statute Section 16-633 states, "If, in any city of the first class, there shall be any real estate belonging to any county, school district, city, municipal or other quasi-municipal corporation abutting upon the street, avenue or alley whereon paving or other special improvements have been ordered, it shall be the duty of the county board, board of education or other proper officers to pay such special taxes".

- In looking back at the history of paving assessments since 2001, City owned assessed property has been paid for out of the Capital Improvements Fund.

## **Discussion**

The contract for Street Improvement District No. 1256 was awarded to The Diamond Engineering Company of Grand Island, Nebraska on May 13, 2008. The project was completed on schedule at a construction price of \$3,946,457.35. Total cost of the project is \$4,684,331.83. Costs for the project break down as follows:

Original Bid	\$3,379,328.25
Underruns	-\$517.39
Change Order No. 1	\$351,219.24
Change Order No. 2	\$32,077.94
Change Order No. 3	\$141,330.31
Change Order No. 4	\$43,019.00
<b>SubTotal (Construction Price)</b>	<b>\$3,946,457.35</b>
Additional Costs:	
Preliminary Engineering	\$278,937.48
Construction Engineering	\$458,937.00
<b>TOTAL COST</b>	<b>\$4,684,331.83</b>

The final assessment for each lot is listed in both the Resolution and Ordinance for this item. The assessments were adjusted from the original amounts due to Federal Funding involved.

## **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 sit as the Board of Equalization to determine benefits and pass an Ordinance to levy Special Assessments to individual properties.

## **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution determining benefits for Street Improvement District No. 1256.

(Sample Motion for the Ordinance)

Move to approve the Ordinance levying the assessments for Street Improvement District No. 1256.

## RESOLUTION 2012-BE-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Street Improvement District No. 1256, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district no. 1256 to be the total sum of \$732,831.98; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Street Improvement District No. 1256, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
<b><u>Street Improvement District No. 1256</u></b>		
The Pinnacle Agency LLC	Lot 10, Bosselman 2 <sup>nd</sup> Subdivision	\$6,047.96
The Pinnacle Agency LLC	Lot 11, Bosselman 2 <sup>nd</sup> Subdivision	\$34,271.79
Dale L & Shirley Skow	Lot 12, Bosselman 2 <sup>nd</sup> Subdivision	\$44,335.36
Mid Nebraska Foundation Inc.	Lot 13, Bosselman 2 <sup>nd</sup> Subdivision	\$7,831.63
Bosselman Inc.	S 100' Lot 1, Bosselman Subdivision	\$2,878.83
Bosselman Inc.	Lot 2, Bosselman Subdivision	\$34,606.93
Bluestem Properties LLC	Lot 3, Bosselman Subdivision	\$37,497.37
Bluestem Properties LLC	Lot 4, Bosselman Subdivision	\$3,289.69
Casey Retail Copmany	Lot 1, Block 1, Dickey Subdivision	\$28,792.34
Library Restaurant & Lounge Inc.	S 64' of S ½ Lot 2, Block 1, Dickey Subdivision	\$1,044.28
Robert D & Patricia J Hancock	Lot 1, Bels 2 <sup>nd</sup> Subdivision	\$7,815.74
Robert D & Patricia J Hancock	Lot 2, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Robert D & Patricia J Hancock	Lot 3, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Robert D & Patricia J Hancock	Lot 4, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Janiece Jones Trustees	Lot 5, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Janiece Jones Trustees	Lot 6, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Buck's Rental Inc.	Lot 7, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Buck's Rental Inc.	Lot 8, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Buck's Rental Inc.	Lot 9, Bels 2 <sup>nd</sup> Subdivision	\$7,975.25
Thomas J Lemke	Lot 2, Lemke Subdivision	\$3,370.73
Jeff & Jamie A Vinson	Lot 1, Lemke Subdivision	\$12,579.76
City of Grand Island	Part of SE ¼, SE ¼ of Section 1-11-10	\$29,836.62
	Detention Cell D-1	
O'Connor Enterprises Inc.	Parcel 1: A part of the SE ¼ of Section 1-11-10	\$37,023.90
	West of the 6 <sup>th</sup> p.m., described as follows, to-wit:	
	Commencing at a point at the SE corner of Section	
	1-11-10, running N 165' parallel to the center of the	
	Road along the E section line; thence running in a	
	westerly direction 264' parallel to the center of the	
	road, along the S side of said Section; thence E 264'	
	to the place of beginning, except a certain tract	
	deeded to the City of Grand Island recorded as	

Document No.83-003899, Hall County, Nebraska.

And part of the SE ¼ of Section 1-11-10 west of the 6<sup>th</sup> p.m., more particularly described as follows:

Beginning at a point on the E line of said SE ¼, which point is 165' N of the SE corner of said SE ¼ of said Section, running thence N along the E line of said SE ¼ 165', running thence W parallel to the S line of said SE ¼ of said Section 264', running thence S parallel to the E line of said SE ¼, 165', running thence E parallel to the S line of said SE ¼ 264' to the actual point of beginning.

Northwest Crossings LLC	Lot 1, Bels Subdivision	\$6,899.52
DBA Gateway Shopping Center		
Northwest Crossings LLC	Lot 2, Bels Subdivision	\$6,851.13
DBA Gateway Shopping Center		
Northwest Crossings LLC	Lot 3, Bels Subdivision	\$6,794.69
DBA Gateway Shopping Center		
Northwest Crossings LLC	Lot 4, Bels Subdivision	\$6,753.56
DBA Gateway Shopping Center		
Northwest Crossings LLC	Lot 5, Bels Subdivision	\$6,733.40
DBA Gateway Shopping Center		
Northwest Crossings LLC	Lot 6, Bels Subdivision	\$6,733.40

Northwest Crossings LLC	Lot 7, Bels Subdivision	\$6,733.40
DBA Gateway Shopping Center		
Northwest Crossings LLC	Lot 8, Bels Subdivision	\$6,167.84
DBA Gateway Shopping Center		
Gordman Grand Island LLC	N 300' of Lot 4, Grand Island Plaza Subdivision	\$28,191.49
Gordman Grand Island LLC	Lot 3, Grand Island Plaza Subdivision	\$52,100.57
Gordman Grand Island LLC	Lot 2, Grand Island Plaza Subdivision	\$9,016.88
Gordman Grand Island LLC	A tract of land comprising of part of the E ½ of the NE ¼ of Section 12-11-10 west of the 6 <sup>th</sup> p.m., Hall County, Nebraska, more particularly described as follows: Commencing at a point 75' E of the NW corner of said E ½ NE ¼ on the N line of said E ½ NE ¼; thence continuing easterly along the N line of said E ½ NE ¼ a distance of 200'; thence southerly and parallel to the westerly line of said E ½ NE ¼ a distance of 217.8'; thence westerly and parallel to the N line of said E ½ NE ¼ a distance of 200' to a point on the easterly right of way of US Highway No. 281; thence northerly along and upon the E right of way line of US Highway No. 281 a distance of 217.8' to the point of beginning.	\$29,346.33

John R Menard	Lot 6, Menard 2 <sup>nd</sup> Subdivision	\$38,567.49
Southeast Crossing LLC	Lot 7, Menard 2 <sup>nd</sup> Subdivision	\$1,069.20
City of Grand Island	Pt NW ¼, NE ¼, Section 12-11-10	\$59,553.89
	Detention Cell C-1	
John R Menard	Lot 3, Menard 2 <sup>nd</sup> Subdivision	\$20,455.15
John R Menard	Lot 2, Menard 2 <sup>nd</sup> Subdivision	\$37,756.19
City of Grand Island	Beginning at the N ¼ corner of Section 12-11-10	\$13,895.80
Utilities Substation	West of the 6 <sup>th</sup> p.m.; thence on an assumed bearing of S 89°20'09" E along the N line of the NW ¼ of the NE ¼ of said Section 12, a distance of 75'; thence	

S 00° 03' 30" E along a line parallel to the W line of the NW ¼ of the NE ¼ of said Section 12, a distance of 33' to the S right of way line of Capital Avenue; thence continuing s 00° 03' 30" E , a distance of 237'; thence s 89° 20' 09" E, a distance of 248'; thence N 89° 20' 09" W along a line parallel to the N line of the NW ¼ of the NE ¼ of said Section 12 a distance of 323' to a point on the W line of the NW ¼ of the NE ¼ of said Section 12; thence N 00° 03' 30" W along the W line of the NW ¼ of the NE ¼ of said Section 12, a distance of 537' to the S right of way line of Capital Avenue; thence continuing N 00° 03' 30" W, a distance of 33' to the point of beginning, containing 2.68 acres, more or less, all as shown on the plat marked Exhibit "A", dated 7-18-95, attached hereto and incorporated herein by reference.

City of Grand Island	Part of NE ¼, NW 1/4 of Section 12-11-10, being 80'x307' (Moores Creek Drainway)	\$12,902.32
City of Grand Island	Part of SE ¼ of SW ¼, Section 1-11-10, being 80'x307' (Moores Creek Drainway)	\$12,902.32
WBP Partnership	Part of the E ½ of the NE ¼ of Section 12-11-10 West of the 6 <sup>th</sup> p.m., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the Section line, said point being 200; S of the NE corner of said Section 12; running thence W and parallel to the N section line of said Section 12, a distance of 418'; running thence S parallel to the E section line of said Section 12, a distance of 228'; running thence E parallel to the N section line of said Section 12, a distance of 418'; running thence N on the section line of said Section 12, a distance of 228' to the point of beginning, except for parts deeded in Deeds recorded as Document No. 83-004647 and Document No. 84-001480 in the Register of Deeds Office, Hall County, Nebraska.	\$8,382.48

**TOTAL**

**\$732,831.98**

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Adopted by the City Council of the City of Grand Island, Nebraska, February 14, 2012.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk