



City of Grand Island

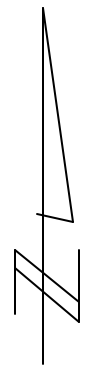
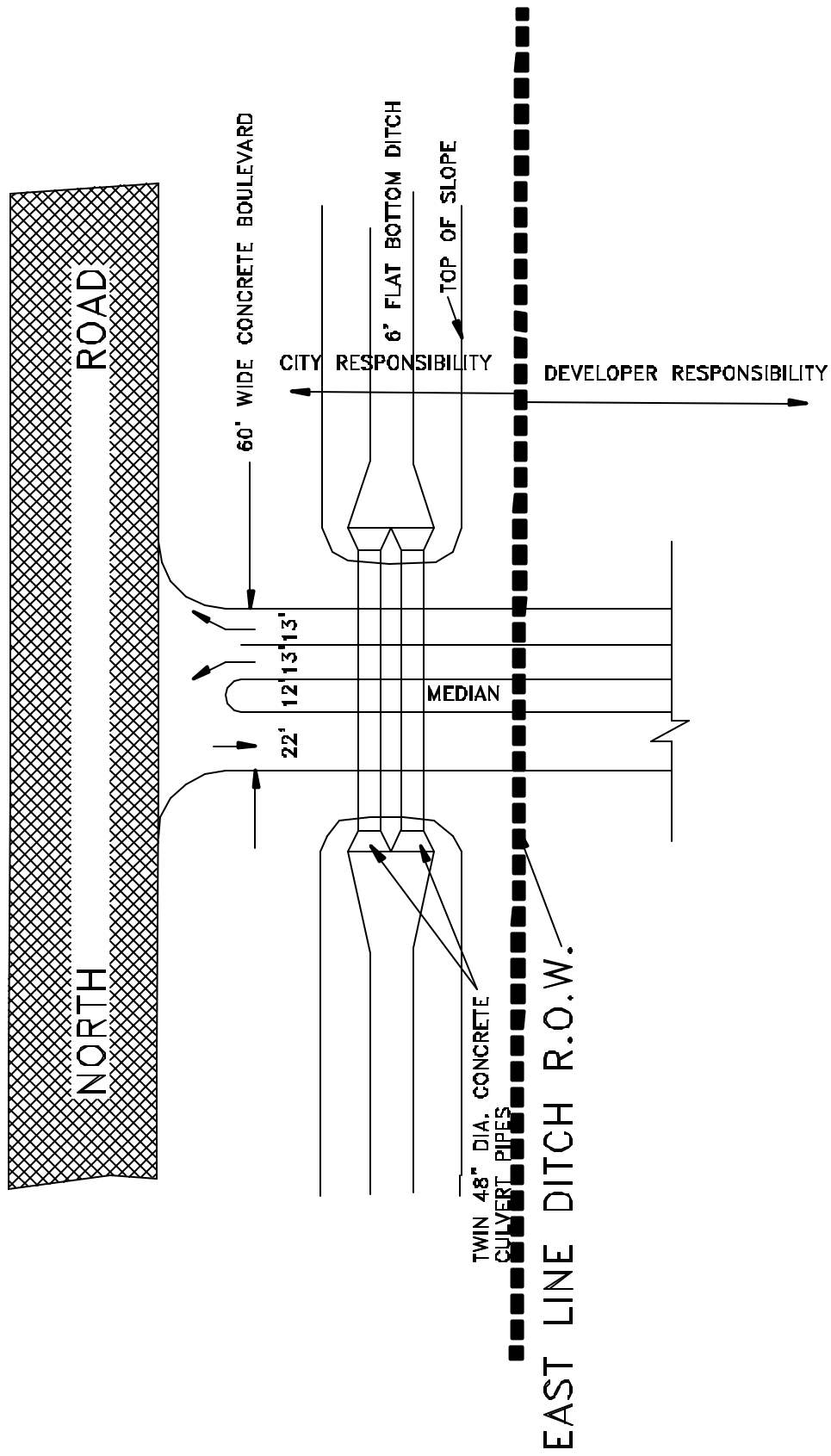
Tuesday, March 25, 2003
Special Meeting/Study Session

Item -2

#2003-87 - Approving Amendment to Purchase Agreement with T&E Cattle Company

The Amendment to the Purchase Agreement will resolve differing interpretations of the language in the Agreement regarding a culvert bridge, and define responsibilities for paving a roadway across the ditch. The future roadway will be as shown in Exhibit A, with the City responsible for the cost of the roadway between North Road and the east ditch Right of Way. The City agrees to perform the work when the final plat is approved and the owner is ready to begin constructing streets on the property. The property owner will be responsible for all internal roadway costs when the Subdivision is developed.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



RESOLUTION 2003-87

WHEREAS, on January 14, 2003, by Resolution 2003-17, the City of Grand Island approved a Purchase Agreement by and between the City and T & E Cattle Company (referred to as "Seller" in the Purchase Agreement and Amendment) setting out the terms and conditions for the acquisition of right-of-way along North Road, from Old Potash Highway to approximately 370 feet north of Faidley Avenue to construct and maintain a drainage ditch as an extension to the Moore's Creek Drainway; and

WHEREAS, the agreement indicates that the City shall construct an ingress/egress "culvert bridge" of a minimum 60 foot in width at a location determined by T & E Cattle Company for access to their property from North Road; and

WHEREAS, due to the parties' different interpretation of such provision of the agreement, it is necessary to more clearly define the responsibilities of each party with respect to the term "culvert bridge" and providing a street from the east side of North Road to the west property line of T & E Cattle Company's Remaining Property to satisfy the term "ingress/egress"; and

WHEREAS, it is recommended that the Purchase Agreement be amended to clarify such responsibilities; and

WHEREAS, an Amendment to the Purchase Agreement has been prepared by the City Attorney's office, and approved by T & E Cattle Company.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Amendment to the Purchase Agreement by and between the City and T & E Cattle Company is hereby approved to clarify the responsibilities of each party with respect to the installation of a crossing using two reinforced 48" concrete pipe culverts to satisfy the requirements of a "culvert bridge" and paving of a roadway across the ditch to satisfy the "ingress/egress" to the T & E Cattle Company property.

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

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Adopted by the City Council of the City of Grand Island, Nebraska on March 25, 2003.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 21, 2003	☐ City Attorney