

Agenda Item: 8.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Amanda Grint, Water Resources Engineer

SUBJECT: Papio PL-566 Site 21 Easement Vacation for WP-7 Project

DATE: February 2, 2017

In 1972, an easement was obtain by Sarpy County for the construction, maintenance, operation and inspection of the grade stabilization structure, S-21 from the Papillion Creek PL566 Watershed Plan. This grade stabilization/road structure involves a drop culvert and embankment that is tied in to 108th Street in Papillion. Then in 1973, an agreement with Sarpy County and the Papio Natural Resources District was executed to identify responsibilities of the S-21 project and to assign the easements from the County to the Papio NRD. This easement for the project was a blanket easement over a 40 acre parcel of land needed, a portion of which was for flowage, temporary construction rights, materials, etc. for the structure.

The S-21 structure has performed grade stabilization for a number of years and now is within the flood pool of the WP7 flood control reservoir. The land needed for the reservoir in this area encompasses the easement area needed for the S-21 structure. In early 2016, the District purchased this land from B.H.I. Properties, Inc. (BHI). See map for location of easement in relation to the WP7 project land and adjacent development.

A portion of the proposed BHI development adjacent to WP7 is within the original easement for S-21 and they have requested that the easement be vacated since the District owns the land and an easement is no longer necessary. The easement release document is attached for consideration.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Release of Easement for the Papio PL566 S-21 structure, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

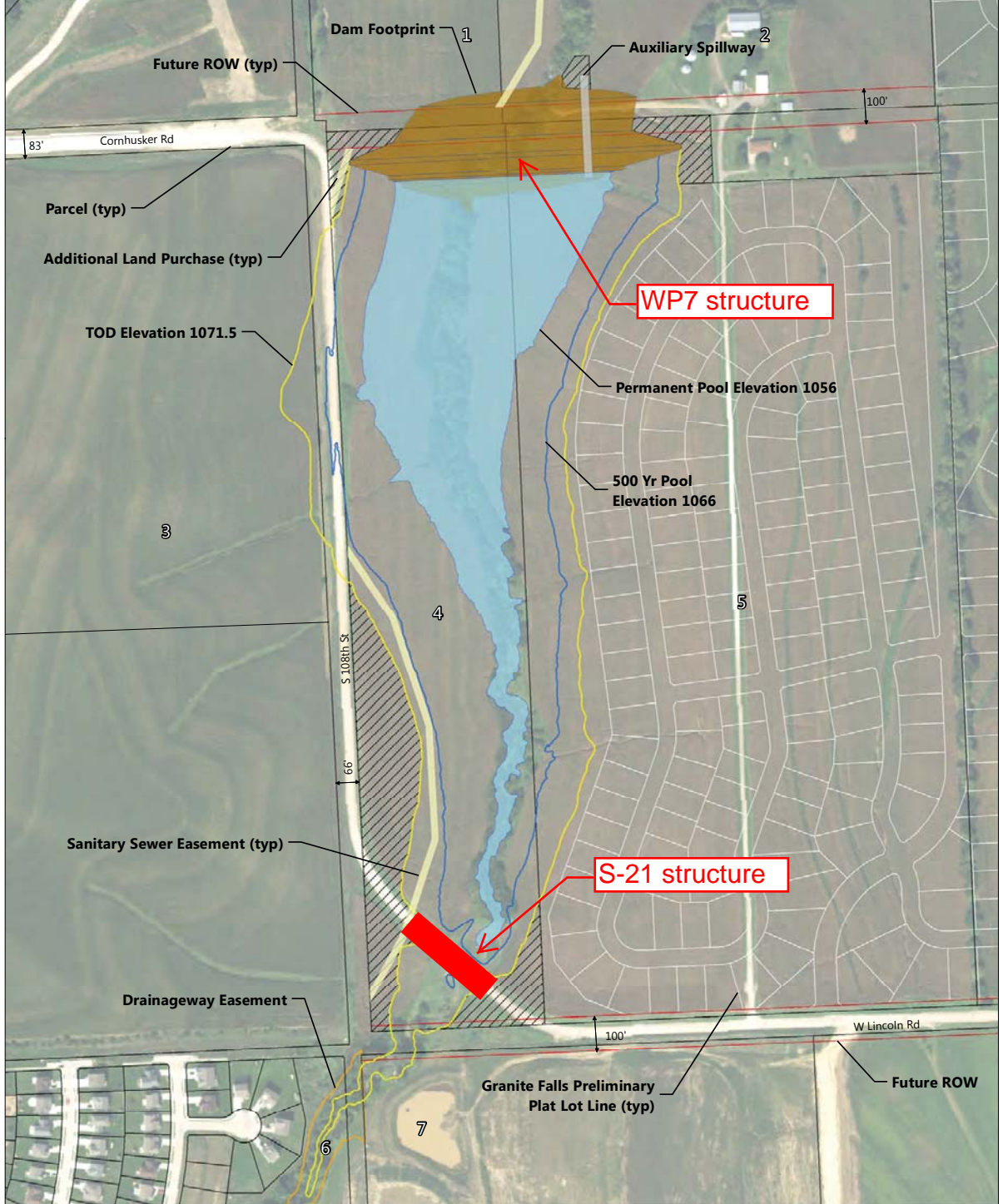
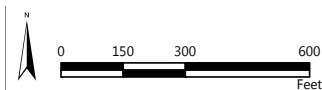


Figure 17. WP-7 Land Rights Map



2.422 AC.

20' SANITARY SEWER EASEMENT
INST NO.2007-21179

PAPILLION CREEK
WATERSHED EASEMENT
BOOK 45 PAGE 544

GAS PIPELINE RIGHT-OF-WAY
BOOK 10 PAGE 486

APPROXIMATE LOCATION OF RELOCATED
ROAD. NO WARRANTY DEED OR EASEMENT
FOR RELOCATION. (TO BE VACATED ONCE
LINCOLN ROAD IS CONSTRUCTED)

Shaded area is District owned
for the WP7 project

S-21 structure

OUTLOT "A"
1.091 AC

OUTLOT "C"
0.380 AC

50' RIGHT-OF-WAY DEDICATION

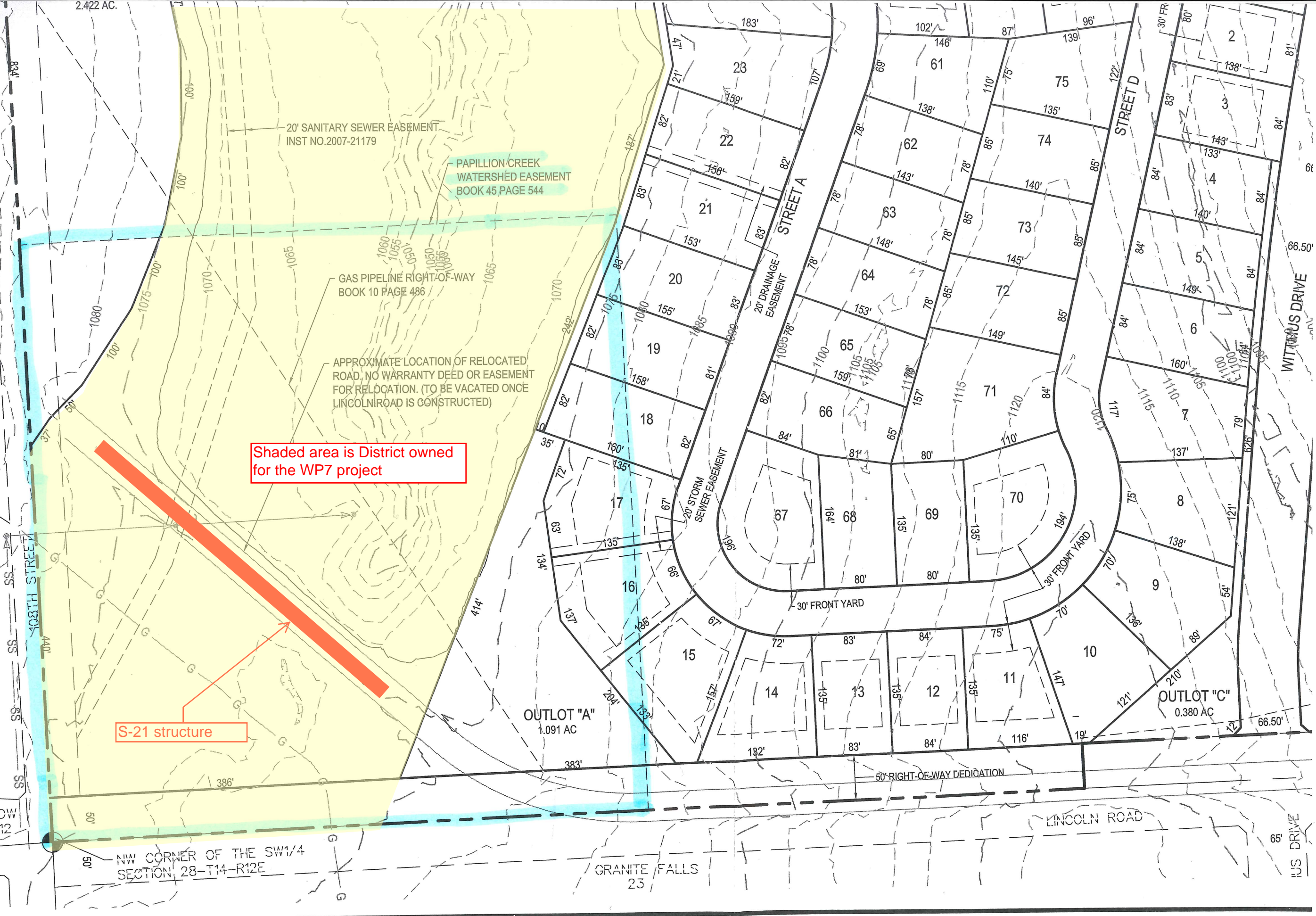
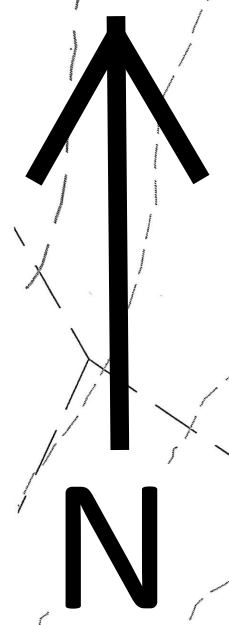
NE 1/4 EXC ROW
SEC. 29-14-12

NW CORNER OF THE SW 1/4
SECTION 28-T14-R12E

GRANITE FALLS
23

LINCOLN ROAD

US DRIVE



RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the PAPIO-MISSOURI RIVER NATURAL RESOURCE DISTRICT, a political subdivision of the State of Nebraska, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby release and disclaim any rights it may have attained by virtue of an easement acquired in the SW ¼ of the NW ¼ of Section 28, Township 14 North, Range 12 East of the 6th P.M. in Sarpy County, Nebraska. Said easement being for the purpose of construction, operation maintenance and inspection of a grade stabilization structure known as S-21. Said easement being recorded in Sarpy County, Nebraska on September 28, 1972 in Book 45, Page 544.

IN WITNESS WHEREOF, the undersigned has set its hand this _____ day of _____, 2017.

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

John Winkler
General Manager

STATE OF NEBRASKA)
)SS
COUNTY OF SARPY)

On this ____th day of _____, 2017, before me, a Notary Public in and for said County and State, personally appeared John Winkler, General Manager of the Papio-Missouri River Natural Resources District who executed the above and foregoing easement acknowledged the execution thereof to be their voluntary act and deed.

NOTARY PUBLIC

My Commission expires _____.