

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Amanda Grint, Water Resources Engineer

SUBJECT: Papio PL-566 Site S-6 Easement Vacation for WP2 Project

DATE: January 5, 2022

In 1981, an easement was obtained by the District for the construction, maintenance, operation and inspection of the grade stabilization structure, S-6 from the Papillion Creek PL-566 Watershed Plan. This grade stabilization involves a dam embankment and riser outlet that is just upstream of Giles Road. The S-6 easement was with Northern Natural Gas Company for a blanket easement over a large parcel of land, of which a portion was needed for flowage, temporary construction rights, materials, etc. In April 2021, the District closed on the Armbrust property that contains the actual flood pool of S-6 and will soon construct the WP2 regional detention basin in its place.

The S-6 easement is no longer needed for the remaining Armbrust property and can be released for the current landowner. The attached map shows the vicinity of the S-6 structure and adjacent development.

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-6 structure, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the PAPIO-MISSOURI RIVER NATURAL RESOURCES 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 the easement referred to in the Agreement dated December 10, 1981 and recorded in the Register of Deeds Office of Sarpy County, Nebraska on February 25, 1982 in Book 55, Page 132, miscellaneous records of Sarpy County, Nebraska, which was acquired in, over and across the real estate described on Exhibit "A." Said easement being for the purpose of construction, operation maintenance and inspection of a grade stabilization structure known as S-6 in the Papillion Creek Watershed plans.

IN WITNESS WHEREOF, the undersigned has set its hand this _____ day of _____, 20____.

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

John Winkler
General Manager

STATE OF NEBRASKA)
)SS
COUNTY OF SARPY)

On this ____ day of _____, 20____, 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

EXHIBIT A

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WEST ON THE NORTH LINE OF SAID NORTHWEST QUARTER (THE NORTH LINE OF SAID NORTHWEST QUARTER ASSUMED EAST-WEST IN DIRECTION) 988.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°03'05" EAST ON A LINE 988.88 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST QUARTER, 2652.12 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89°56'41" EAST ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, 329.62 FEET, TO A POINT 659.26 FEET WESTERLY FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 0°03'05" WEST ON A LINE 659.26 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST QUARTER, 2651.81 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE WEST ON THE NORTH LINE OF SAID NORTHWEST QUARTER, 329.62 FEET TO THE POINT OF BEGINNING, THE FOREGOING ALSO KNOWN AS TAX LOT 6A.

AND

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST, OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WEST ON THE NORTH LINE OF SAID NORTHWEST QUARTER (THE NORTH LINE OF SAID NORTHWEST QUARTER ASSUMED EAST-WEST IN DIRECTION) 1318.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°03'05" EAST ON A LINE 1318.50 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST QUARTER, 2652.44 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89°56'41" EAST ON THE SOUTH LINE OF SAID NORTHWEST QUARTER 329.62 FEET TO A POINT 988.88 FEET WESTERLY FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 0°03'05" WEST ON A LINE 988.88 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST QUARTER, 2652.12 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE WEST ON THE NORTH LINE OF SAID NORTHWEST QUARTER, 329.62 FEET TO THE POINT OF BEGINNING, THE FOREGOING ALSO KNOWN AS TAX LOT 6B.

AND

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WEST ON THE NORTH LINE OF SAID NORTHWEST QUARTER (THE NORTH LINE OF SAID NORTHWEST QUARTER ASSUMED EAST-WEST IN DIRECTION) 659.26 FEET; THENCE SOUTH 0°03'05" EAST ON A LINE 659.26 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST QUARTER, 2651.81 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89°56'41" EAST ON THE SOUTH LINE OF SAID NORTHWEST QUARTER 659.26 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 0°03'05" WEST ON THE EAST LINE OF SAID NORTHWEST QUARTER 2651.18 FEET TO THE POINT OF BEGINNING, THE FOREGOING

ALSO KNOWN AS TAX LOT 7.

EXCEPT FOR THAT PART CONVEYED TO SARPY COUNTY, NEBRASKA BY WARRANTY DEED FILED MARCH 27, 2017 AT INSTRUMENT NO. 2017-06696, RECORDS OF SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, THENCE SOUTH 02°12'38" EAST FOR 33.00 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21 TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°12'38" EAST FOR 17.00 FEET CONTINUING ALONG SAID EAST LINE; THENCE SOUTH 87°45'51" WEST FOR 96.87 FEET; THENCE NORTH 02°14'41" WEST FOR 17.00 FEET; THENCE NORTH 87°45'51" EAST FOR 96.88 FEET TO POINT OF BEGINNING.

AND EXCEPT FOR THAT PART CONVEYED TO SARPY COUNTY, NEBRASKA BY WARRANTY DEED RECORDED JUNE 24, 2020 AT INSTRUMENT NO. 2020-17842 OF THE RECORDS OF SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

A PART OF TAX LOTS 6A, 6B AND 7, ALL LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF SOUTH 87°23'52" WEST, 96.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°36'08" EAST, 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GILES ROAD; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF GILES ROAD SOUTH 02°36'08" EAST 17.00 FEET; THENCE ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER SOUTH 87°23'52" WEST, 689.61 FEET TO A POINT OF CURVATURE; THENCE ON A 990.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 175.30 FEET (LONG CHORD BEARS SOUTH 82°19'29" WEST, 175.08 FEET); THENCE SOUTH 77°15'07" WEST, 363.17 FEET TO A POINT ON THE WEST LINE OF SAID TAX LOT 6B; THENCE ON SAID WEST LINE OF TAX LOT 6B NORTH 02°38'56" WEST, 96.45 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF GILES ROAD; THENCE CONTINUING NORTH 02°38'56" WEST, 33.00 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE ON SAID NORTH LINE OF THE NORTHWEST QUARTER NORTH 87°23'52" EAST, 1221.60 FEET TO THE POINT OF BEGINNING.

AND EXCEPT THAT PART CONVEYED TO PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT RECORDED APRIL 15, 2021 AT INSTRUMENT NO. 2021-14759 OF THE RECORDS OF SARPY COUNTY, NEBRASKA DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN PART TAX LOTS 6A, 6B, AND 7, TAX LOTS LOCATED IN PART OF THE NE 1/4 OF THE NW1/4 ALONG WITH PART OF THE SE1/4 OF THE NW1/4 OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 11, EAST OF THE 6TH P.M., SARPY COUNTY,

NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NW1/4 OF SECTION 21, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TAX LOT 7, SAID POINT ALSO BEING THE NORTHWEST CORNER OF OUTLOT "C", PALISADES, A SUBDIVISION LOCATED IN PART OF THE SE1/4 OF SAID SECTION 21, SAID POINT ALSO BEING THE NORTHWEST CORNER OF OUTLOT "G", PALISADES WEST, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF SAID SECTION 21; THENCE S89°58'12"W (ASSUMED BEARING) ALONG THE SOUTHERLY LINE OF SAID NW1/4 OF SECTION 21, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID TAX LOTS 6A, 6B, AND 7, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID PALISADES WEST, A DISTANCE OF 1,318.46 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 6B, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TAX LOT 10, A TAX LOT LOCATED IN PART OF THE SW1/4 OF SAID NW1/4 OF SECTION 21; THENCE N00°01'48"W ALONG THE WESTERLY LINE OF SAID TAX LOT 6B, SAID LINE ALSO BEING THE EASTERLY LINE OF TAX LOTS 5 AND 10, TAX LOTS LOCATED IN PART OF THE NW1/4 OF SAID NW1/4 ALONG WITH PART OF SAID SW1/4 OF THE NW1/4 OF SECTION 21, A DISTANCE OF 1,326.19 FEET; THENCE S71°11'02"E, A DISTANCE OF 173.08 FEET; THENCE N25°04'01"E, A DISTANCE OF 243.11 FEET; THENCE N40°46'42"E, A DISTANCE OF 324.84 FEET; THENCE N58°53'10"E, A DISTANCE OF 132.38 FEET; THENCE N82°02'05"E, A DISTANCE OF 732.91 FEET TO A POINT ON THE EASTERLY LINE OF SAID NW1/4 OF SECTION 21, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID TAX LOT 7; THENCE S°01'48"E ALONG SAID EASTERLY LINE OF THE NW1/4 OF SECTION 21, SAID LINE ALSO BEING SAID EASTERLY LINE OF TAX LOT 7, A DISTANCE OF 1,905.84 FEET TO THE POINT OF BEGINNING.

Also known as:

A TRACT OF LAND LOCATED IN PART OF TAX LOTS 6A, 6B, AND 7, TAX LOTS LOCATED IN PART OF THE NE1/4 OF THE NW1/4 ALONG WITH PART OF THE SE1/4 OF THE NW1/4, ALL LOCATED IN SECTION 21, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW1/4 OF SECTION 21, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TAX LOT 7; THENCE S00°01'48"E (ASSUMED BEARING) ALONG THE EASTERLY LINE OF SAID NW1/4 OF SECTION 21, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID TAX LOT 7, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GILES ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF THE NW1/4 OF SECTION 21, SAID LINE ALSO BEING SAID EASTERLY LINE OF SAID TAX LOT 7, A DISTANCE OF 695.50 FEET TO THE NORTHEAST CORNER OF THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT DEED, INSTRUMENT 202114759, AN INSTRUMENT RECORDED IN SAID SARPY COUNTY, NEBRASKA; THENCE ALONG THE NORTHERLY LINE OF SAID PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT DEED, INSTRUMENT 202114759 ON THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) THENCE S82°02'05"W, A DISTANCE OF 732.91 FEET; (2) THENCE S58°53'10"W, A DISTANCE OF 132.38 FEET; (3) THENCE S40°46'42"W, A DISTANCE OF 324.84 FEET; (4) THENCE S25°04'01"W, A DISTANCE OF 243.11 FEET; THENCE N71°10'52"W, A DISTANCE OF 173.08 FEET TO THE SOUTHEAST CORNER OF LOT 1, GILES POINTE, A SUBDIVISION LOCATED IN PART OF SAID NW1/4 OF SECTION 21, SAID

POINT ALSO BEING THE NORTHEAST CORNER OF OUTLOT "K", SAID GILES POINTE, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID TAX LOT 6B; THENCE N00°01'48"W ALONG SAID WESTERLY LINE OF TAX LOT 6B, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID GILES POINTE, A DISTANCE OF 1,196.73 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF GILES ROAD; THENCE ALONG ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF GILES ROAD FOLLOWING THREE (3) DESCRIBED COURSES: (1) THENCE N79°52'10"E, A DISTANCE OF 363.12 FEET; (2) THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 990.00 FEET, A DISTANCE OF 175.30 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N84°56'32"E, A DISTANCE OF 175.07 FEET; (3) THENCE S89°59'06"E, A DISTANCE OF 786.57 FEET TO THE POINT OF BEGINNING.