

## MEMORANDUM

TO: Programs, Projects and Operations Subcommittee  
FROM: Martin P. Cleveland  
SUBJECT: No Name Dike High Ground Project  
Professional Services Agreement with Midwest Right of Way Services  
DATE: February 16, 2022

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No Name Dike is in Western Douglas County, southwest of Valley, as shown on the enclosed location map. The Dike ties into High Ground Area in Sokol Camp and the High Ground Area effectively serves as a flood reduction feature for Western Douglas County. At the March 10, 2022, Board of Directors Meeting, a public hearing will be held for the referenced project to obtain right-of-way over the High Ground Area in the form of permanent easements.

Attached is a proposed Professional Services Agreement with Midwest Right of Way Services, Inc. for the No Name Dike High Ground Project. The tasks to be performed by Midwest Right of Way Services, Inc. are as follows:

1. Project Management
2. Acquisition Negotiations
3. Document Preparations and Administrative Fees

Midwest Right of Way Services, Inc. will be tasked with acquiring permanent easements from 13 owners over 15 lots in Sokol Camp on behalf of the District. These lots (Lots 38 to 47; Sokol Camp Replat 1, Lot 1; lots 50 to 54, Sokol Camp Addition, Douglas County, Nebraska) are depicted on the enclosed lot location map. Midwest Right of Way Services, Inc. has served as a right of way agent on numerous District projects in the past, such as West Branch Levee in Papillion, Flanagan Lake Dam and Prairie Queen Dam Projects. Therefore, the staff believes they are the best qualified firm to provide the professional services needed for the No Name Dike High Ground Project.

The maximum not to exceed cost of the agreement is \$58,500. This agreement fee amount is beyond the fee limit of \$50,000 for consultant selection without a Request for Proposals (RFP) as per Board Policy 15.2 Purchasing-Professional Services. Because Midwest Right of Way Services, Inc. is the best qualified to acquire right of way for No Name Dike High Ground Project, staff recommends that the Board waive the RFP process and approve the proposed professional services agreement with Midwest Right of Way Services, Inc.

**Management recommends that the Programs, Projects, and Operation Subcommittee recommend to the Board of Directors that Policy 15.2 Purchasing-Professional Services be waived and that the General Manager be authorized to execute the proposed Professional Services Agreement with Midwest Right of Way Services, Inc. for the No Name Dike High Ground Project, with the maximum not to exceed amount of \$58,500, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

# MIDWEST

Right of Way Services, Inc.

[www.midwestrow.com](http://www.midwestrow.com)

February 16, 2022

Martin Cleveland, P.E.  
Construction Engineer  
Papio-Missouri River Natural Resources District  
8901 S. 154th Street  
Omaha, NE 68138

RE: Proposal for Right of Way Services  
Papio-Missouri River Natural Resources District  
No Name Dike Flood Reduction Project  
High Ground Easement and Restrictions Acquisition

Dear Mr. Cleveland:

Midwest Right of Way Services, Inc. is pleased to provide this proposal for right of way services for the above-referenced project in Douglas County, Nebraska.

## ***CONSULTANT AND KEY PERSONNEL***

***Consultant-*** Midwest Right of Way Services  
13425 "A" Street  
Omaha, Nebraska 68144  
(402) 955-2900

***Key Personnel-*** Jack Borgmeyer, President  
John E. Borgmeyer, Vice President

## ***PROJECT UNDERSTANDING***

This project involves the acquisition of permanent high-ground and restrictive easements to ensure that the properties that are high ground tie-off for No Name Dike, east of the Platte River, south of Valley, Nebraska not be degraded below specified elevation. This project is being done to restrict degradation of the land below the nearby Dike level by landowners. The Papio-Missouri Natural Resources District plans to achieve this by purchasing restrictive easements that limit construction on the high-ground area near Sokol Camp Addition. The project will require the acquisition of permanent easements from thirteen (13) property owners.

### ***PROJECT MANAGEMENT***

This task will involve coordination of all project elements so that work is initiated as it should be, appropriate progress is made, and schedules are met. Coordination and scheduling of the acquisition process will be the responsibility of the project manager.

### ***ACQUISITION***

Midwest Right of Way Services' acquisition agents will make every effort to understand the project's objective before meeting with the property owners. We will prepare all documents, present and explain the offer, answer all acquisition-related questions, and secure signatures from all interested parties. Our acquisition agents will obtain tenant information from property owners and proceed to obtain signed a leasehold contract, if applicable. We will negotiate in good faith and keep records of all calls made.

The first step in the acquisition process is to review the title search and appraisal report for the property. The necessary purchase documents will be prepared by the NRD's attorney and forwarded electronically to Midwest Right of Way Services, Inc. After the documents have been prepared and reviewed, an offer will be made to the property owner in writing. Each visit will be documented in a call report and kept in the parcel file.

If necessary, a recommendation for a negotiated settlement will be made to the NRD. When an agreement is reached, we will obtain the necessary signatures of all interested parties. Our goal will be to acquire the necessary right of way through amicable negotiations. If condemnation is required, we will work with the NRD and its attorney to file the necessary documents and be available to assist with condemnation preparation or court testimony.

Midwest Right of Way Services will perform the services in accordance with the NRD's procedures.

### ***File Management***

Midwest Right of Way Services, Inc. will retain copies of the recorded documents and payment vouchers or checks in our individual tract files. Midwest will also keep an electronic copy of all completed tract files.

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### ***ECONOMIC EQUITY AND INCLUSION PROGRAM***

Midwest Right of Way Services, Inc. is a participant in the City of Omaha Economic Equity and Inclusion Program.

### ***SMALL EMERGING BUSINESS TIER II***

Midwest Right of Way Services, Inc. is certified by the City of Omaha as a Small Emerging Business Tier II.

### ***VETERAN-OWNED BUSINESS***

Midwest Right of Way Services is a veteran-owned business.

## ***TEAM MEMBERS***

*Jack Borgmeyer, SR/WA, R/W-RAC*, is President of Midwest Right of Way Services, Inc. He is qualified to complete all aspects of the right of way process. He has over 35 years of experience relating to real estate and right of way. His experience includes right of way title searches, land and easement acquisition, relocation, condemnation testimony, and project management.

*John Borgmeyer, RWA-GN, Right of Way Agent*, is the Chief Operations Officer for Midwest Right of Way Services, Inc. He has performed acquisition negotiations for state, local and federally funded projects in Nebraska, Iowa and Kansas, and relocation assistance for local and federally funded projects in Nebraska. His experience includes roadway, airport, drainage, and sewer projects.

*Stacey A. Kroeger, SR/WA, R/W-RAC, Right of Way Agent*, has worked for Midwest Right of Way Services since February 2001. She has performed acquisition negotiations and relocation assistance since May 2005. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects.

*Maria Rodriguez, Right of Way Agent*, has worked for Midwest Right of Way Services since October 2013. She performed several years of acquisition negotiations and relocation assistance in Phoenix, Arizona. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects. Maria speaks and writes the Spanish language fluently.

*Denny Bliss, Right of Way Agent*, has worked for Midwest Right of Way Services since July 2011. He has performed acquisition negotiations for state, local and federally funded projects. His experience includes preparation and review of legal descriptions, review of land title reports, as well as the ability to read, interpret, and draw engineering plans. He has experience with airport, roadway, drainage, sewer, and utility projects. He is also an experienced CADD technician.

*Jim Abbott, Right of Way Agent*, has worked for Midwest Right of Way Services since January of 2017. He has performed acquisition negotiations for sewer, roadway, water main, transmission line, and construction liaison projects in Omaha, Lincoln, Sarpy County and Douglas County in Nebraska and roadway projects in Iowa. His experience includes twenty years of real estate management of commercial and investment properties in the Midwest working for a management company throughout Nebraska, Iowa, and South Dakota.

*Chris Wayne, SR/WA, Right of Way Agent*, is the newest member of the Midwest Right of Way Services team starting in May of 2020. His experience includes over 30 years of urban planning and redevelopment experience working for the City of Omaha. Chris has extensive knowledge in the real estate, right of way acquisition, and relocation assistance service field.

*Molly Frederickson, Administrative Assistant*, is the newest member of our team beginning in January 2019. She provides administrative support and document preparation for Midwest Right of Way's acquisition and relocation agents. She has experience as a document specialist for a local law firm and has experience as an escrow assistant for a real estate title company.

**PAYMENT FOR SERVICES**

Midwest Right of Way Services proposes the right of way services detailed above for the following hourly fees:

	<u>Hourly Service Rates</u>
Project Manager	\$ 150.00
Right of Way Agent/Relocation Agent	\$ 125.00
Document Preparation and Administrative Services	\$ 75.00
Mileage at Standard IRS Rate	\$ 0.585 per mile

The maximum fees for each task will be as follows:

Task	Maximum Fee
Project Management	13 owners @ \$600.00 each \$ 7,800.00
Acquisition Negotiations	13 owners @ \$3,750.00 each \$ 48,750.00
Document Prep. & Admin. Fees	26 hours @ \$75.00 Each \$ 1,950.00
<b>Total Maximum Fee</b>	<b>\$ 58,500.00</b>

Condemnation court testimony and consultation will be billed at our standard hourly rate plus expenses, if needed. Invoices will be sent on an approximate monthly basis for services rendered.

If the above-described items are satisfactory to you, please sign and date the original and duplicate original of this letter in the space provided. Keep one executed copy of this letter for your files and return the duplicate copy to us for our files. Receipt of this letter contract will be considered our formal notice to proceed with the work.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.

John E. Borgmeyer  
 Vice President

**ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED**

\_\_\_\_\_ Date: \_\_\_\_\_  
 Authorized Rep. – Papio-Missouri Natural Resources District