

# Memorandum

To: Programs, Projects, and Operations Subcommittee  
From: Eric Williams  
Date: December 4, 2023  
RE: MoPac Trail Permanent Easement to Plains Sand and Gravel

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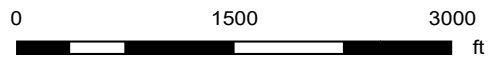
Plains Sand and Gravel is in the process of developing a new mining operation east of Hwy 50, south of Springfield, NE, near the intersection with Cornish Road. A new access location is proposed at the north end of the property, with a crossing over the MoPac Trail. District staff have reviewed the plan for the construction of the new crossing and the plan sheets are attached. The improved access will remove and replace existing trail signs and associated equipment, construct a concrete driveway crossing similar to other locations along the MoPac Trail, and update the trail surface connection to the new drive.

An easement to provide “permanent rights of vehicular and pedestrian ingress and egress” has been reviewed by District staff and legal counsel. The signed document received back from Advantage Investment Properties, LLC is attached.

- **Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to grant a Permanent Easement submitted to Advantage Investment Properties, LLC for vehicular and pedestrian ingress and egress, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

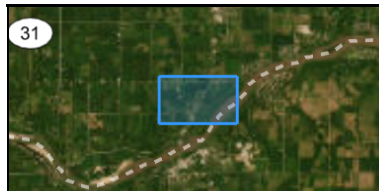


Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 21020

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Notes Map created 2023-12-04



## PERMANENT EASEMENT AGREEMENT

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, as GRANTOR, in consideration of TEN DOLLARS (\$10.00) and other valuable consideration received from ADVANTAGE INVESTMENT PROPERTIES, L.L.C., a Nebraska Limited Liability Company, herein called the GRANTEE, grants, conveys and delivers non-exclusive permanent rights of vehicular and pedestrian ingress and egress over and across the particular portion of property depicted and legally described on Exhibit A attached hereto (the "Easement Area") subject to the terms and conditions of this Easement Agreement.

1. Grantee agrees that neither Grantee nor Grantee's officers, employees, invitees, licensees, tenants, contractors, or agents shall unreasonably impede or obstruct vehicular or pedestrian access by the Grantor or its officers, employees, agents, tenants, invitees, contractors, licensees and customers over the Easement Area.
2. Grantee shall, at its cost, be responsible for the initial installation, and the maintenance, repair, and replacement of the access road construction within the Easement Area.
3. The Grantee shall repair any damage to and restore, or shall pay the Grantor or its assigns the cost of repair to and restoring, to a similar condition as exists on the date of this Agreement any portion of the Easement Area or adjacent property of the Grantor if such is damaged by the Grantee, its contractors, employees or agents, in carrying out the purposes and scope of this Agreement.
4. Grantee shall indemnify, defend and hold Grantor harmless from and against all liens, losses, liabilities, costs or expenses (including reasonable attorney's fees) to the extent incurred in connection with or arising out of the Grantee or Grantee's officers, employees, invitees, licensees, tenants, contractors, or agents use of the Easement Area or exercise of the rights granted herein, except to the extent caused by Grantor's negligent or wrongful act or omission. Notwithstanding the foregoing, in no event shall Grantee have any liability to Grantor or any third party for the mere discovery of existing conditions on the land subject to this Easement Agreement.



# ACCESS EASEMENT EXHIBIT A

## LEGAL DESCRIPTION

A PERMANENT ACCESS EASEMENT OVER THAT PART OF TAX LOT R1B1 IN THE EAST HALF OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2;

THENCE SOUTH 89°53'39" WEST (BEARINGS REFERENCED TO THE SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 1023.28 FEET ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO THE EAST RIGHT OF WAY LINE OF THE VACATED MISSOURI PACIFIC RAILROAD;

THENCE SOUTH 27°55'25" WEST FOR 19.86 FEET ON SAID EAST RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 27°55'25" WEST FOR 60.00 FEET CONTINUING ON SAID EAST RIGHT OF WAY LINE;

THENCE NORTH 62°04'35" WEST FOR 100.00 FEET TO THE WEST RIGHT OF WAY LINE OF THE VACATED MISSOURI PACIFIC RAILROAD, ALSO BEING THE EAST RIGHT OF WAY LINE OF HIGHWAY 50;

THENCE NORTH 27°55'25" EAST FOR 60.00 FEET ON SAID WEST RIGHT OF WAY LINE OF THE VACATED MISSOURI PACIFIC RAILROAD;





THENCE SOUTH 62°04'35" EAST FOR 100.00 FEET TO THE POINT OF BEGINNING.

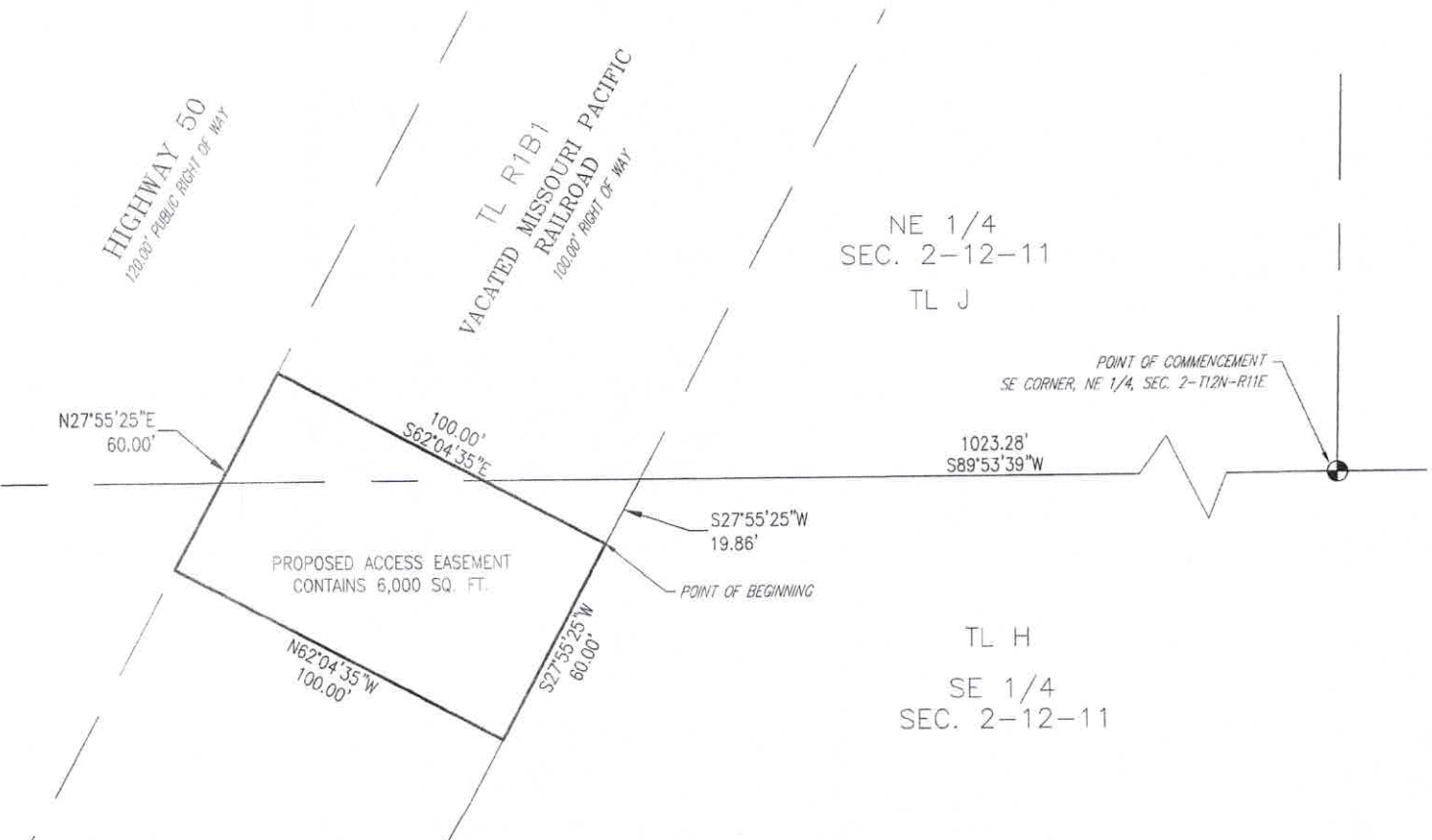
CONTAINS 6,000 SQUARE FEET.



0 50'  
SCALE: 1" = 50'

## LEGEND

-  EASEMENT LINE
-  SECTION LINE
-  RIGHT OF WAY
-  SECTION CORNER



**LAMP RYNEARSON**

LAMPRYNEARSON.COM

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DESIGNER / DRAFTER

MRT/RER

REVIEWER

MATT TINKHAM

PROJECT NUMBER

0123087

DATE

10/24/2023

SURFACE LOCATION

BOOK AND PAGE

EASEMENT  
EXHIBIT

L:\Engineering\0123087 Plots and Drawings\SURVEY\DRAWINGS\EXHIBITS\0123087-EAS-01.dwg, 10/24/2023 8:48:45 AM, RACHEL REINECKER, LAMP RYNEARSON