

Agenda Item: 6.

## **MEMORANDUM**

**TO:** Finance, Expenditure and Legal Subcommittee

**FROM:** Martin P. Cleveland

**SUBJECT:** Little Papio Channel Project (Center Street to Grover Street) –  
Right Bank, Proposed Right-of-Way Purchase of Foreclosure  
No. 2757-01

**DATE:** July 15, 2013

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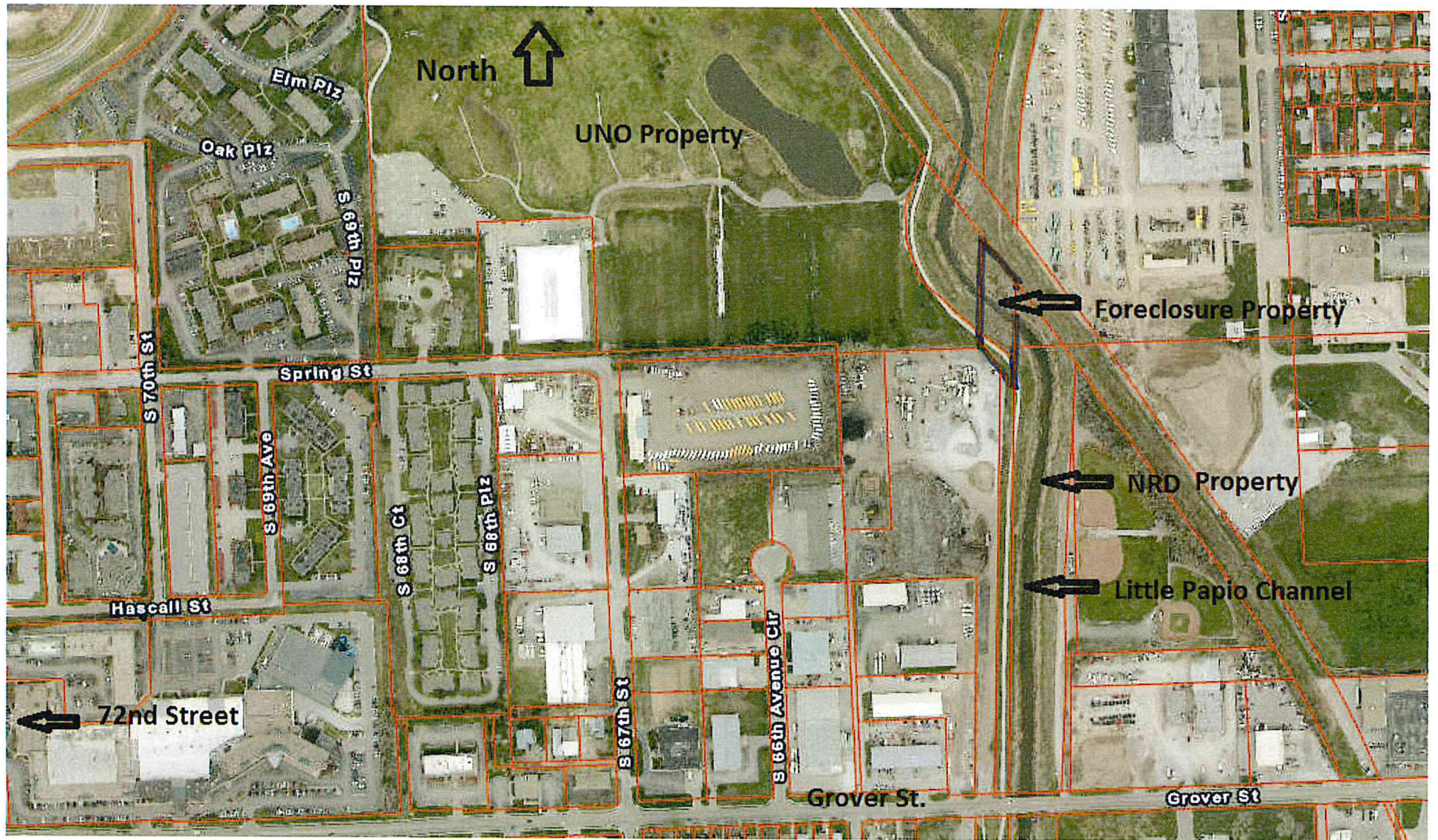
The Land Reutilization Commission has contacted the NRD regarding their foreclosure no. 2757-01 of Center Development Co. property located near 66<sup>th</sup> and Spring Street in Little Papio Channel. See enclosed map. This 0.66 acre parcel (key no. 3691 0014 01) is being offered to adjacent landowners as discussed in the attached letter. The parcel is within the Little Papio Channel Project that the District has operated and maintained since 1997 when Douglas County transferred ownership of property and project to the District.

Douglas County supposedly transferred all of its Little Papio Creek Channel Project ROW to the NRD in 1997. They apparently did not transfer the foreclosure parcel no. 2757-01 to the District, so it is now being foreclosed on by the Land Reutilization Commission. As the District maintains this parcel and needs it for channel use, it makes sense to acquire it and clean up the title. The District typically has deed type right-of-way on the Little Papio Channel project due to public use, such as the Keystone Trail located within the Channel right-of-way.

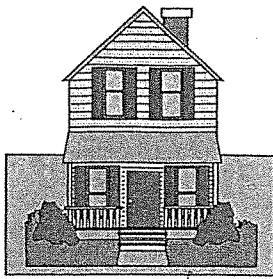
The Land Reutilization Commission representative told the writer that the Commission typically sells public use land to public entity for little cost, such as under \$500, once they understand there is public entity need for the parcel.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute such deeds and/or other conveyance instruments as he determines necessary and Legal Counsel approves as to form, in order to purchase the Foreclosure No. 2757-01 parcel for the Papio Creek Channel Project.





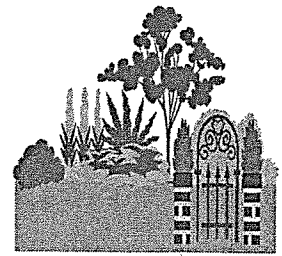




## LAND REUTILIZATION COMMISSION

*Serving Douglas, Sarpy and Otoe  
Counties of Nebraska*

Board Members – Chris Rodgers • Ben Gray



July 31, 2013

Papio-Missouri NRD  
ATTN MARTIN CLEVELAND  
8901 S 154 ST  
OMAHA NE 68138-3621

Dear Martin:

I have enclosed the Offer to Purchase contract(s). Please sign the contract(s) at the red X(s). Also, please sign the second page(s) at the red X(s) and have your signature(s) notarized. Please remit your down payment of \$356.00 to the LRC. I will need the papers and money in my possession, not post marked, by September 13, 2013 at 4:00 p.m.

In the case of multiple bids, the LRC will hold an auction the Thursday after the offer deadline date. So that I can inform you multiple ways of such auction, please provide your email address below your phone number on the contract. Thank you if you have already given me your email address.

Sincerely,

David G. Schreiner  
Director

AUG. - 1 2013

### TAX FORECLOSED PROPERTY SALES

1819 Farnam Street, Suite 910, Omaha, NE 68183

Phone: (402) 444-7913 • [www.lrcnebraska.com](http://www.lrcnebraska.com)

David G. Schreiner, Director

LAND REUTILIZATION COMMISSION  
Offer to Purchase 13049

Buyer hereby Offer to Purchase the following described property:

Address: No Address Found

Legal Description: IREG 100 FT TRT ABAND RR RWY BEING S OF C&NW RWY IN S 1/2 NW 1/4 NE 1/4 & PT IN SW 1/4 NE 1/4 SEC 36-15-12 LANDS

Tax Foreclosure Case Number: # 2757-01

including any improvement, fixtures, and/or equipment permanently attached thereto.

Buyer offers to pay Three hundred fifty six dollars and no/100----- ( \$ 250.00) for said property on the following terms: A deposit of \$ 356.00, an amount no less than twenty percent (20%) of this offer, is remitted with this Offer to Purchase in guaranteed funds, (a cashier's check, certified check, or money order); and the balance of the purchase price, should this offer be accepted, will be remitted to the Land Reutilization Commission (LRC) in guaranteed funds after a Deed suitable for filing is obtained by the LRC. If the final payment is not remitted within twenty (20) days after notification of a suitable Deed being available, the LRC staff will recommend the down payment of any offers to be forfeited at the next meeting of the LRC Board of Commissioners.

Buyer understands that the downpayment (earnest) money remitted to the LRC with this Offer to Purchase in nonrefundable except in the event that this Offer to Purchase is not accepted by the LRC Board or the LRC is unable to convey title, but will be applied to the purchase price should this offer be accepted.

Buyer acknowledges that this Offer to Purchase is based solely upon buyer's personal inspection or investigation of the property, and not upon any representations by the LRC or its agents, and that said property is being sold on an "as is" basis. Buyer further acknowledges that the LRC has made no representations regarding either the condition or the habitability of any structure located on the property or possession after conveyance of title.

Buyer understands that the LRC is not responsible for changes in the condition of the property or for maintenance of the property prior to conveyance of the same by delivery of a Deed.

Buyer also understands that any risk of loss to the property shall be borne by the buyer, and that it is the buyer's responsibility to secure property damage insurance in an amount to cover such loss if so desired.

Buyer further understands that any conveyance of this property is subject to all building and user restrictions, rights of way, easements and covenants thereon and subject to all rights of redemption provided by law or the Constitution of the State of Nebraska.


Should the LRC accept this Offer, the title conveyed to the buyer by the LRC will be obtained by the LRC through a Sheriff's Deed issued as a result of tax foreclosure proceedings after Confirmation of said sale, according to applicable law, and the conveyance of such title will be by Special Warranty Deed. Acceptance of this Offer to Purchase alone does not operate as a conveyance of title, nor does it grant any right of possession to the successful offeror.

In the event of any ambiguity, the Land Reutilization Commission shall control the interpretation of this Offer to Purchase and any acceptance thereof, and by this reference said act is incorporated herein.

Should this Offer to Purchase be accepted, buyer desires the Special Warranty Deed to read in the name and form of owner as follows:

Papio-Missourri River Natural Resources District

Dated this 31st day of July, 2013.

 \_\_\_\_\_  
Buyer Buyer

Address: 8901 S 154 ST ATTN. Martin Cleveland, OMAHA NE, 68138 / Phone: 315-1707

Email:

Approved this 09/20/2013

LAND REUTILIZATION COMMISSION  
of COUNTY County, Nebraska

By \_\_\_\_\_ Board Member

Received from the sum of \$ 356.00 Dollars to apply on the purchase price of the above described property on the terms stated herein.

By  \_\_\_\_\_ Staff Member

STATE OF NEBRASKA)  
                  )ss.  
COUNTY OF DOUGLAS)

I, Papio-Missourri River Natural Resources District, being first duly sworn oath, state as follows:

I am the Purchaser of the below listed property:

RE: Doc. 233 c/a # 2757-01

Address: No Address Found

Legal: IRREG 100 FT TRT ABAND RR RWY BEING S OF C&NW RWY IN S 1/2 NW 1/4 NE 1/4 & PT IN SW 1/4 NE 1/4 SEC 36-15-12 LAND

I hereby state under oath that prior to my purchase of the above referenced Property, that I nor any member of my family had any legal interest in said Property. That I, nor any member of my family is an employee, Board member, or legal counsel of the Land Reutilization Commission; nor do I or any member of my family contract or perform a service to the Land Reutilization Commission; nor do I or any member of my family have any interest in a Partnership or Corporation that was a tax delinquent title holder to said Property; nor do I or any member of my family have any interest in a Partnership or Corporation that owns Property that is tax delinquent.

That I am not purchasing the Property above described directly or indirectly for the benefit of any tax delinquent taxpayer(s) whether an individual, Parntership or Corporation.

That I fully understand that if I violate any of the terms of this AFFIDAVIT, that the Land Reulitization Commission shall, at its sole discretion, have the right to void the Deed for the Property above referenced and refund to me, the Purchaser (excluding interest and closing costs), the sale price of the Property above described.

Further Affiant says not.

  X    
\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Purchaser

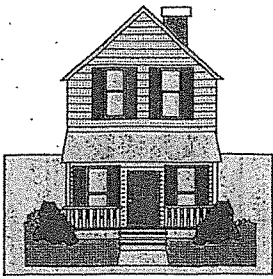
STATE OF NEBRASKA)  
                  )ss.  
COUNTY OF DOUGLAS)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for said County, personally came the above Purchaser known to me to be the identical person whose name is affixed to the above instrument as Purchaser, and he acknowledges the said instrument to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

\_\_\_\_\_  
NOTARY PUBLIC

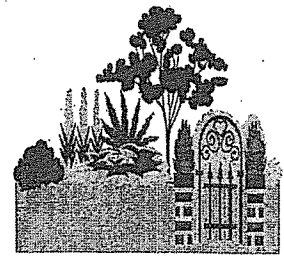
My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



## LAND REUTILIZATION COMMISSION

*Serving Douglas, Sarpy and Otoe,  
Counties of Nebraska*

Board Members – Chris Rodgers • Ben Gray • Mary Morrissey



June 7, 2013

PAPIO MISSOURI NRD  
8901 S 154 ST  
OMAHA NE 68138

**Re: Foreclosure Number-2757-01**

Dear PAPIO MISSOURI:

Please be aware of a vacant property that is “for sale” adjacent to a property that you own. Other adjacent property owners, like you, have been notified as well. This property is in foreclosure due to non-payment of real estate taxes and has been placed into the inventory of the Land Reutilization Commission (LRC). The LRC is a Douglas County agency which offers tax foreclosed real estate for sale for an appraised value and closing costs.

If you would like to purchase the property through the LRC, your real estate taxes must be current on any property that you own in the County. If you purchase property through the LRC you will receive a Special Warranty Deed. Back taxes, interest and all penalties are cancelled by our sale of the property. A covenant may apply to the property, which would require you to construct a dwelling within a limited amount of time. If the property is in a City Redevelopment Area, the City of Omaha has first rights to the property. The LRC staff will explain more details when you call.

If you are interested in the property, the first step is to call and request a “no obligation” appraisal on the property. If the property has a current appraised value it is listed next to the Foreclosure Number above. The LRC has an offer deadline of the second Friday of every other month. The property has to be published before it can be sold. **The offer deadline date will be September 13, 2013.** If you would like more information or would like to request an appraisal, please contact our office at 444-7913. **Please refer to the “foreclosure number” above when you call.** We look forward to hearing from you.

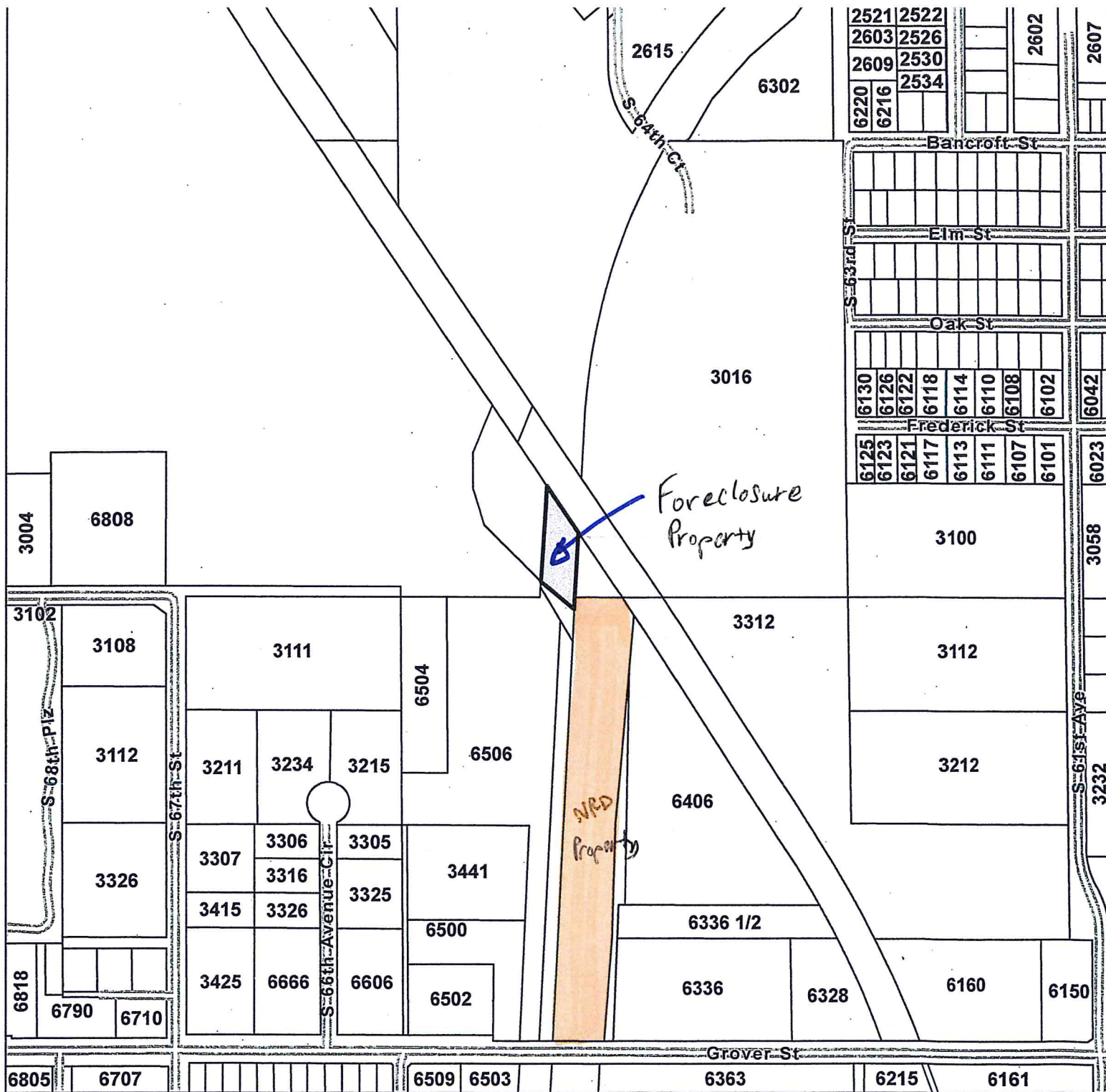
Sincerely,

David G. Schreiner  
Director

JUN 14 2013

**Enc: Plat map of the property. The property for sale is shaded gray. Your property is highlighted in orange. The legal description is located below the map.**

**TAX FORECLOSED PROPERTY SALES**  
1819 Farnam Street, Suite 910, Omaha, NE 68183  
Phone: (402) 444-7913 • [www.lrcnebraska.com](http://www.lrcnebraska.com)  
David G. Schreiner, Director



## LRC Property Notification



LANDS SEC-TWN-RGE 36-15-12 IRREG 100 FT TRT ABAND RR RWY BEING S OF C&NW RWY IN S 1/2 NW 1/4 NE 1/4 & PT IN SW 1/4 NE 1/4 SEC 36-15-12 .66 AC

**2757-01**

**Douglas County, Nebraska Property Record - R0136910014**[Print Report](#)

Information is valid as of 2013-07-10

[View Interactive GIS Map](#)[Treasurer's Tax Report](#)[New Feature → → → Subdivision Sales Search](#)**Owner**

CENTER DEVELOPMENT CO

(Former owner)

3030 N W EXPRESSWAY #400  
OKLAHOMA CITY OK 73112-0000**Property Information****Key Number:** 3691 0014 01**Account Type:** Commercial**Parcel Number:** 0136910014**Parcel Address:****Legal Description:** LANDS SEC-TWN-RGE 36-15-12 IRREG 100 FT TRT ABAND RR RWY BEING S OF C&NW RWY IN S 1/2 NW 1/4 NE 1/4 & PT IN SW 1/4 NE 1/4 SEC 36-15-12 .66 AC**Value Information**

	Land	Improvement	Total
2013	\$2,300.00	\$0.00	\$2,300.00
2012	\$2,300.00	\$0.00	\$2,300.00
2011	\$2,300.00	\$0.00	\$2,300.00
2010	\$2,300.00	\$0.00	\$2,300.00
2009	\$2,300.00	\$0.00	\$2,300.00
2008	\$2,300.00	\$0.00	\$2,300.00

**Land Information**

Acres	SF	Units	Depth	Width	Vacant
0.66	28750.0	0.0	0.0	0.0	Yes



