

## MEMORANDUM

TO: Finance, Expenditures and Legal Subcommittee

SUBJECT: Papio Creek Watershed Structure W-3 Rehabilitation Project  
John and Mary Camden Property - Temporary Easement Extension

DATE: December 1, 2010 Updated: December 3, 2010

FROM: Martin P. Cleveland

The referenced project (Structure W-3) is located near Hwy 30 and County Road 28, southwest of Blair, as shown on the enclosed location map. Construction activity started on this project May 17, 2010. The project is 53% complete as of October 21, 2010 and 62% of the work period has been used. The principal spillway (30 inch diameter) pipe has been installed and 54,000 cubic yards of earth fill has been placed.

The Natural Resources Conservation Service (NRCS), Pruss Excavation (Structure W-3 construction contractor) and District staff have discussed the project progress and potential for completion by the termination of the one year period temporary easement, acquired from John and Mary Camden via eminent domain. This easement will expire on May 17, 2011. The temporary easement surrounds the structure and provides area for equipment parking, material storage and access to the structure site. In addition the ingress/egress road to the site from the county road is a temporary easement. Enclosed are maps of easement area.

Based on earthwork production rates of 2010, it is anticipated that work will not be done on the site until mid-summer 2011, which is at least 2 months past the termination of the temporary easement. The site has had numerous challenges during construction, such as extremely wet soil (e.g. former pond is the borrow site), springs flowing out of slopes that had to be intercepted with gravel drains and one of the wettest summers on record (20.4 inches of rain in the June to August period) that didn't allow much work for most of the summer, which is the normal construction period in Nebraska.

In order to plan for the expected construction completion past the temporary easement deadline, Management recommends that the District start the right-of-way acquisition process in January 2011 with a public hearing, as it is anticipated that the landowner will not accept the District's offer of payment for a temporary easement. It is recommended that the District acquire a 6 month period easement, which would extend the easement period to November 17, 2011. The right-of-way acquisition process will include new appraisal, negotiation and possible eminent domain, if negotiation fails.

**It is recommended by Management that the Subcommittee recommend to the Board that the General Manager be authorized to commence the right-of-way process to acquire an additional 6 month long temporary easement from John and Mary Camden for the continued construction of Papio Creek Watershed Structure W-3 Rehabilitation Project.**

**MEMORANDUM TO THE FILE:**

**FROM:** Martin P. Cleveland

**SUBJECT:** Papio Creek Watershed Structure W-3 Rehabilitation  
Project Right-of-Way Acquisition Schedule  
John and Mary Camden Property Temporary Easement

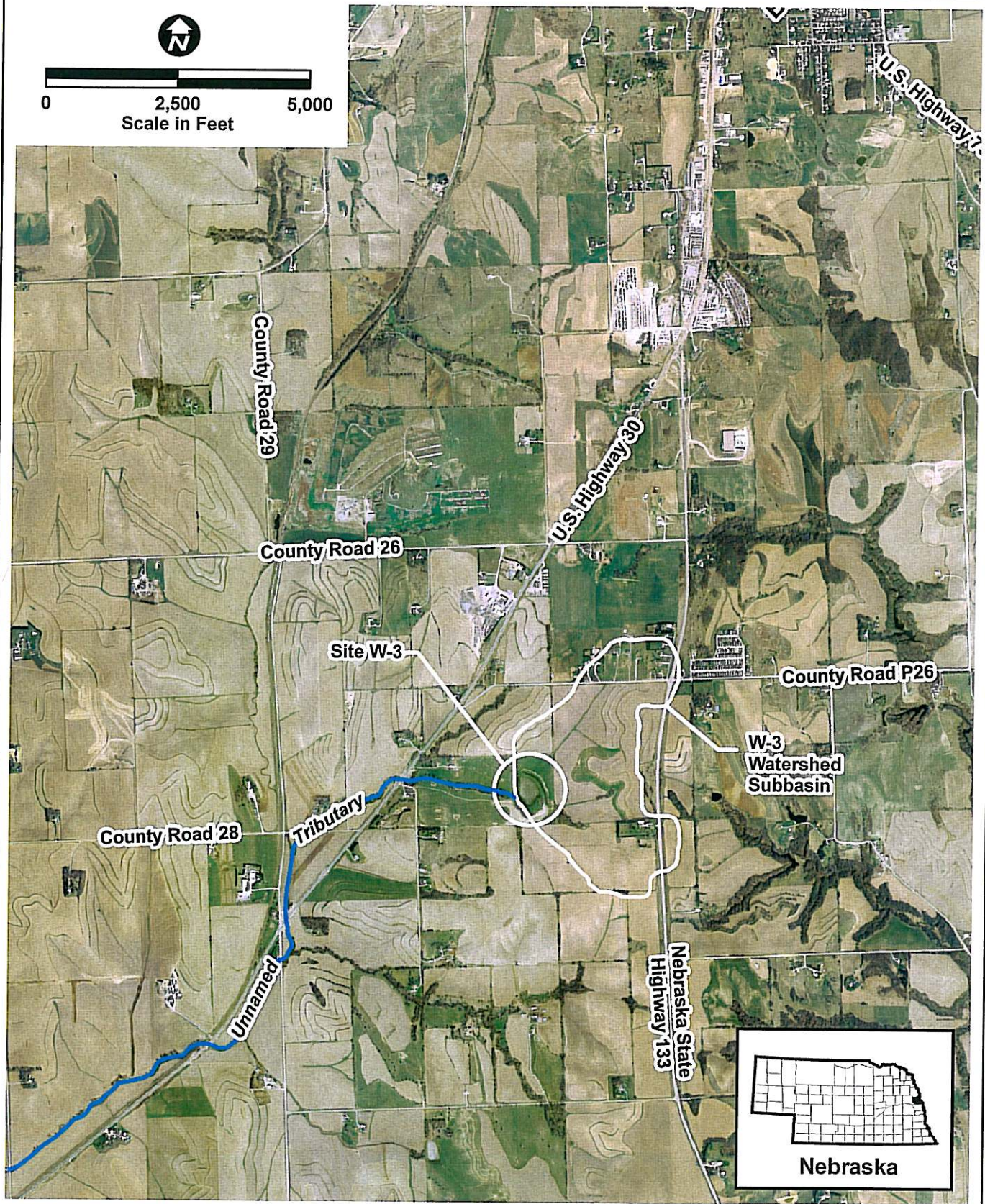
**DATE:** December 1, 2010

Contained herein is an approximate schedule for completing Right-of-Way acquisition for the Papio Creek Watershed Structure W-3 Rehabilitation Project:

1. December 27, 2010 – Email a copy of the Notice of Public Hearing to the Washington County and Omaha World-Herald newspapers.
2. December 27, 2010 – Send a 45-day notice (45 days prior to negotiation) by certified mail to affected parties (landowners, mortgage companies, easement holders).
3. December 31, 2010 – Publish a Notice of Public Hearing on the project in Washington County and Omaha World-Herald newspapers.
4. January 4, 2011 – Send a copy of the Public Notice to the District Board of Directors.
5. January 13, 2011 – Hold a Public Hearing on Project at 7:00p.m. at the January Board Meeting, at the Natural Resources Center.
6. January 31, 2011 – Appraiser complete appraisals for project area and submit reports to the District.
7. February 1 – 13, 2011– District Staff and attorney to review parcel appraisal and prepare offer and purchase agreement.
8. February 14, 2011 – Formal offers sent and negotiation begin with a request for prompt response.
9. March 10, 2011 – FEL Subcommittee/Board considers purchase agreement and staff recommendations on Right-of-Way acquisition, including possible eminent domain action.



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Source: Aerial Photography, Metropolitan Area Planning Agency, flown by Horizons Inc. in April 2004.



**Papillion Creek Watershed  
Site W-3  
Project Location Map**

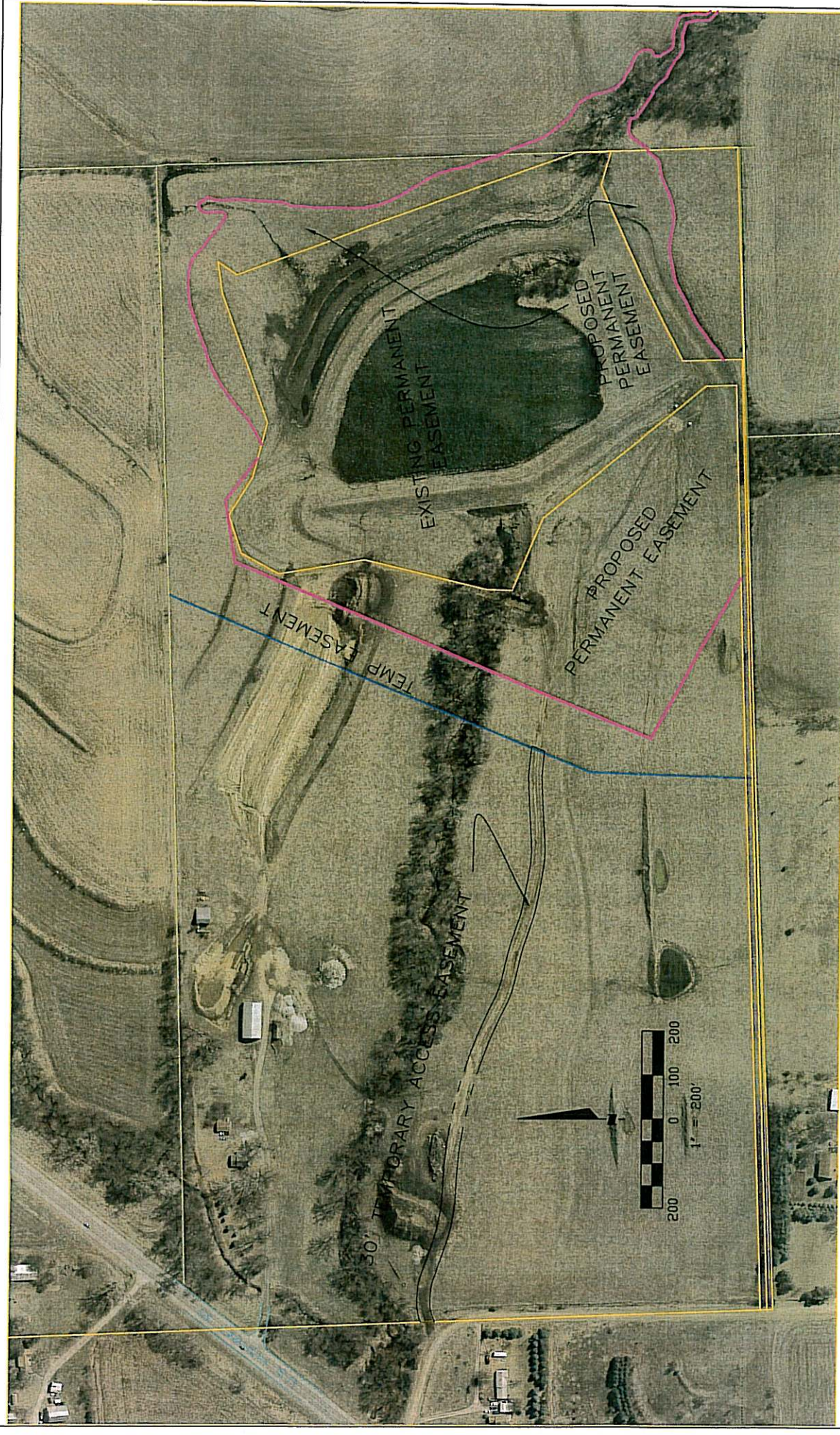
DATE

Sept 2005

FIGURE

1







## PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

|                  |  |                        |  |
|------------------|--|------------------------|--|
| DESIGNED BY: MFC |  | PROJECT NO.:           |  |
| DRAWN BY: MFC    |  | S. 1/2 OF THE S.W. 1/4 |  |
| CHECKED BY: MFC  |  | DATE: 8/22/2009        |  |
| APPROVED BY:     |  | SCALE: 1" = 200'       |  |
|                  |  | SHEET NO. 1 OF 1       |  |

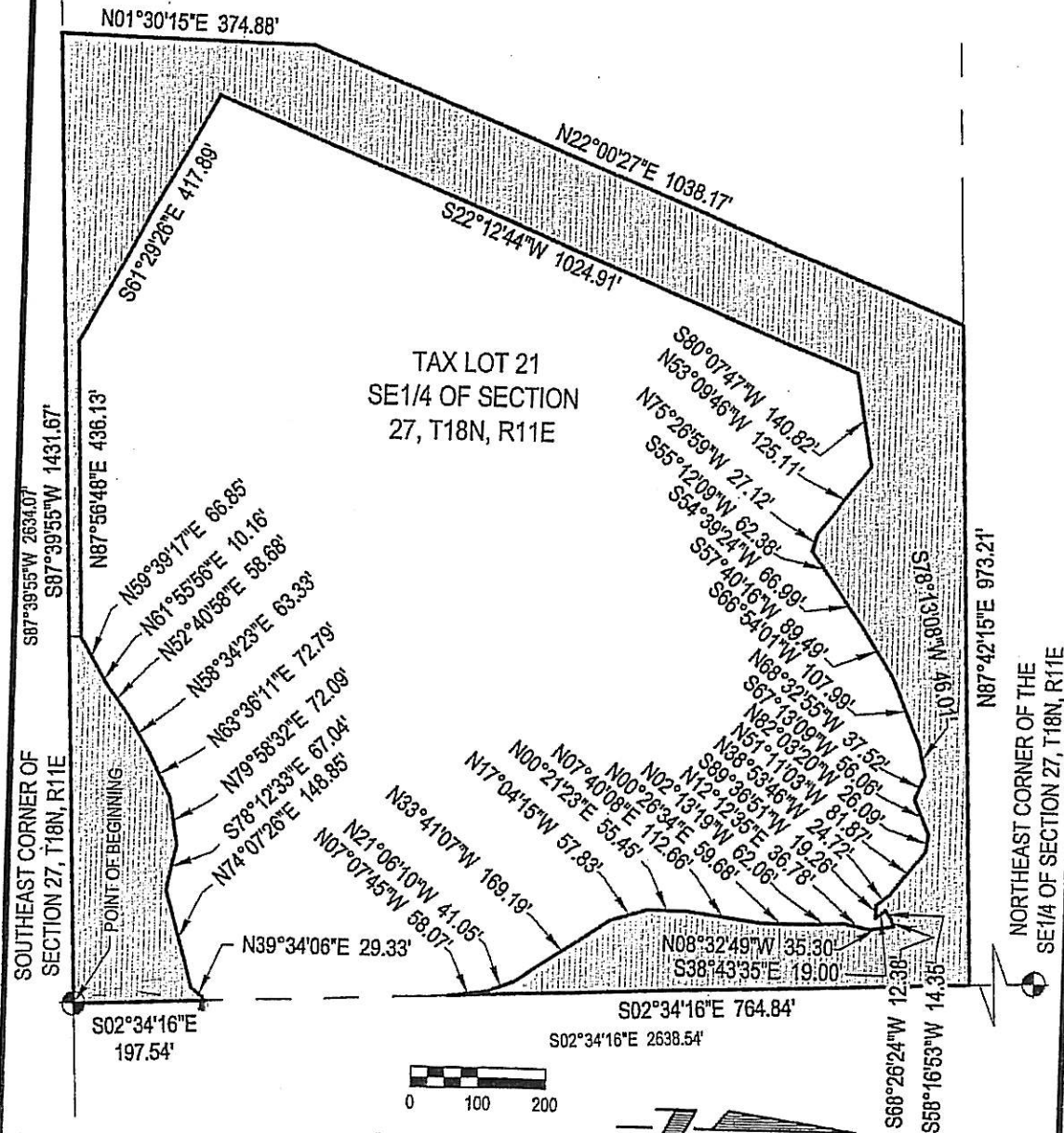
PROPOSED AND EXISTING EASEMENTS FOR W-3

SECTION 27, T18N, R11E



SOUTHWEST CORNER  
OF THE SE1/4 OF  
SECTION 27, T18N, R11E

# EXHIBIT "D"



SHEET 1 OF 2  
SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

Scale: 1" = 200'



**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 11TH STREET OMAHA, NE 68154 PHONE (402) 895-4700

Drawn by: DAS Chkd by: Chkd by:  
Job No.: P2009.227.001 Date: 05/14/2009 Book No.: 1336

**CONSTRUCTION/PARKING EASEMENT**  
TAX LOT 21 OF THE SE1/4 OF  
SECTION 27, T18N, R11E  
WASHINGTON COUNTY, NEBRASKA

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K:\Projects\2009\227\p01\Srvy\Easements\NRD STRUCTURE NO W-3 EASE-000.dwg

## EXHIBIT "D"

### LEGAL DESCRIPTION:

A CONSTRUCTION/PARKING EASEMENT LOCATED IN TAX LOT 21 OF THE SE1/4 OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

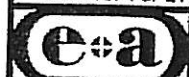
BEGINNING AT THE SOUTHEAST CORNER OF SAID TAX LOT 21; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE S87°39'55"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID TAX LOT 21, SAID LINE ALSO BEING SAID SOUTH LINE OF THE SE1/4 OF SECTION 27, A DISTANCE OF 1431.67 FEET; THENCE N01°30'15"E, A DISTANCE OF 374.88 FEET; THENCE N22°00'27"E, A DISTANCE OF 1038.17 FEET TO A POINT ON THE NORTH LINE OF SAID TAX LOT 21, SAID LINE ALSO BEING THE NORTH LINE OF THE SOUTH 1/2 OF SAID SE1/4 OF SECTION 27; THENCE N87°42'15"E ALONG SAID NORTH LINE OF TAX LOT 21, SAID LINE ALSO BEING SAID NORTH LINE OF THE SOUTH 1/2 OF THE SE1/4 OF SECTION 27, A DISTANCE OF 973.21 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 21, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SOUTH 1/2 OF THE SE1/4 OF SECTION 27; THENCE S02°34'16"E ALONG THE EAST LINE OF SAID TAX LOT 21, SAID LINE ALSO BEING THE EAST LINE OF SAID SE1/4 OF SECTION 27, A DISTANCE OF 764.84 FEET; THENCE N07°07'45"W, A DISTANCE OF 58.07 FEET; THENCE N21°08'10"W, A DISTANCE OF 41.05 FEET; THENCE N33°41'07"W, A DISTANCE OF 169.19 FEET; THENCE N17°04'15"W, A DISTANCE OF 57.83 FEET; THENCE N00°21'23"E, A DISTANCE OF 55.45 FEET; THENCE N07°40'08"E, A DISTANCE OF 112.66 FEET; THENCE N00°26'34"E, A DISTANCE OF 59.68 FEET; THENCE N02°13'19"W, A DISTANCE OF 62.06 FEET; THENCE N12°12'35"E, A DISTANCE OF 36.78 FEET; THENCE N08°32'49"W, A DISTANCE OF 35.30 FEET; THENCE S68°26'24"W, A DISTANCE OF 12.38 FEET; THENCE S58°16'53"W, A DISTANCE OF 14.35 FEET; THENCE S38°43'35"E, A DISTANCE OF 19.00 FEET; THENCE S89°36'51"W, A DISTANCE OF 19.26 FEET; THENCE N38°53'46"W, A DISTANCE OF 24.72 FEET; THENCE N51°11'03"W, A DISTANCE OF 81.87 FEET; THENCE N82°03'20"W, A DISTANCE OF 26.09 FEET; THENCE S67°13'09"W, A DISTANCE OF 56.06 FEET; THENCE N68°32'55"W, A DISTANCE OF 37.52 FEET; THENCE S66°54'01"W, A DISTANCE OF 107.99 FEET; THENCE S57°40'16"W, A DISTANCE OF 89.49 FEET; THENCE S54°39'24"W, A DISTANCE OF 66.99 FEET; THENCE S55°12'09"W, A DISTANCE OF 62.38 FEET; THENCE N75°26'59"W, A DISTANCE OF 27.12 FEET; THENCE N53°09'46"W, A DISTANCE OF 125.11 FEET; THENCE S80°07'47"W, A DISTANCE OF 140.82 FEET; THENCE S22°12'44"W, A DISTANCE OF 1024.91 FEET; THENCE S61°29'26"E, A DISTANCE OF 417.89 FEET; THENCE N87°56'48"E, A DISTANCE OF 436.13 FEET; THENCE N69°39'17"E, A DISTANCE OF 66.85 FEET; THENCE N61°55'56"E, A DISTANCE OF 10.16 FEET; THENCE N52°40'58"E, A DISTANCE OF 58.68 FEET; THENCE N58°34'23"E, A DISTANCE OF 63.33 FEET; THENCE N63°36'11"E, A DISTANCE OF 72.79 FEET; THENCE N78°58'32"E, A DISTANCE OF 72.09 FEET; THENCE S78°12'33"E, A DISTANCE OF 67.04 FEET; THENCE N74°07'26"E, A DISTANCE OF 148.85 FEET; THENCE N39°34'06"E, A DISTANCE OF 29.33 FEET TO A POINT ON SAID EAST LINE OF TAX LOT 21, SAID LINE ALSO BEING SAID EAST LINE OF THE SE1/4 OF SECTION 27; THENCE S02°34'16"E ALONG SAID EAST LINE OF TAX LOT 21, SAID LINE ALSO BEING SAID EAST LINE OF THE SE1/4 OF SECTION 27, A DISTANCE OF 197.54 FEET TO THE POINT OF BEGINNING.

SAID CONSTRUCTION/PARKING EASEMENT CONTAINS AN AREA OF 447,133 SQUARE FEET OR 10.265 ACRES, MORE OR LESS.

SAID CONSTRUCTION/PARKING EASEMENT CONTAINS AN AREA OF 15,181 SQUARE FEET OR 0.349 ACRES OF AN EXISTING PERMANENT EASEMENT.

SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR DRAWING



**E&A CONSULTING GROUP, INC.**  
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330 NORTH 117TH STREET OMAHA, NE 68154 PHONE (402) 865-4700

Drawn by: DAS Chkd by: Chkd by:  
Job No.: P2009.227.001 Date: 05/14/2009 Book No.: 1336  
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**CONSTRUCTION/PARKING EASEMENT**  
TAX LOT 21 OF THE SE1/4 OF  
SECTION 27, T18N, R11E  
WASHINGTON COUNTY, NEBRASKA

PROPOSED PAPIO CREEK  
WATERSHED STRUCTURE W-3  
TEMPORARY CONSTRUCTION  
EASEMENT

**EXHIBIT "A"**

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**



|                  |  |
|------------------|--|
| DESIGNED BY: MPC | 30.00' TEMPORARY ACCESS EASEMENT FOR W-3<br><br>S. 1/2 OF THE S.E. 1/4<br>SECTION 27, T18N, R11E<br><br>REVERED<br>DATE: 9/16/2009<br>SCALE: 1" = 100'<br>SHEET NO. 3 OF 3 |
| DRAWN BY: JMJ    |  |
| CHECKED BY: MPC  |  |
| APPROVED BY:     |  |

LEGAL DESCRIPTION

A 30.00 FOOT WIDE TEMPORARY EASEMENT LOCATED IN THAT PART OF THE S. 1/4 OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST, OF THE 6 P.M. THE CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SEC. 5; THENCE N02°19'14"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SEC. 1 A DISTANCE OF 782.96 FEET TO THE POINT OF BEGINNING; THENCE N65°16'54"E A DISTANCE OF 2.74 FEET; THENCE NORTHEASTERLY ON A CURVE HAVING A LONG CHORD WHICH BEARS N79°23'46"E, A DISTANCE OF 49.27 FEET; SAID CURVE HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 48.77 FEET; THENCE S05°29'23"E WHICH BEARS S78°39'05"E, A DISTANCE OF 21.89 FEET, SAID CURVE HAVING A LONG CHORD OF 80.00 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 86.08 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 400.00 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF BEARS S79°13'36"E, A DISTANCE OF 117.48 FEET; SAID CURVE HAVING A LONG CHORD WHICH IS 8.40 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 413.81 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S78°26'E, A DISTANCE OF 413.81 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 1000.00 FEET, A DISTANCE OF 410.87 FEET; THENCE S05°35'51"E, A DISTANCE OF 28.68 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 225.00 FEET; THENCE S04°44'50" FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S70°21'10"E, A DISTANCE OF 50.44 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S70°21'10"E, A DISTANCE OF 50.44 FEET; THENCE S76°46'28"E, A DISTANCE OF 60.02 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 250.00 FEET; THENCE SOUTHEASTERLY THENCE S71°33'25"E, A DISTANCE OF 57.79 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A LONG CHORD WHICH BEARS S73°59'56"E, A DISTANCE OF 24.21 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S73°59'56"E, A DISTANCE OF 24.21 FEET; THENCE HAVING A LONG CHORD WHICH BEARS S75°33'14"E, A DISTANCE OF 37.79 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S75°33'14"E, A DISTANCE OF 37.79 FEET; THENCE S79°53'03"E A DISTANCE OF 68.56 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A LONG CHORD WHICH BEARS S68°29'58"E, A DISTANCE OF 69.27 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S68°29'58"E, A DISTANCE OF 69.27 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT HAVING A LONG CHORD WHICH BEARS S68°33'07"E, A DISTANCE OF 47.34 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS S68°33'07"E, A DISTANCE OF 47.34 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT HAVING A LONG CHORD WHICH BEARS S68°33'40"E, A DISTANCE OF 47.29 FEET; THENCE S04°04'27"E, A DISTANCE OF 36.96 FEET, TO THE POINT OF TERMINATION.

CONTAINING AN AREA OF 40,071 SQUARE FEET OR 0.92 ACRES MORE OR LESS

SW CORNER OF THE SE  $\frac{1}{4}$   
SECTION 27, T18N, R11E

POINT OF COMMENCEMENT

## LEGAL DESCRIPTION

A 30.00 FOOT WIDE TEMPORARY EASEMENT LOCATED IN THAT PART OF THE S.  $\frac{1}{2}$ , OF THE SE  $\frac{1}{4}$ , OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST, OF THE 6 P.M. THE CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SW CORNER OF SAID SE  $\frac{1}{4}$ ; THENCE N02°19'14"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SE  $\frac{1}{4}$ , A DISTANCE OF 782.96 FEET TO THE POINT OF BEGINNING; THENCE N65°16'54"E A DISTANCE OF 2.74 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 100.00 FEET, A DISTANCE 49.27 FEET SAID CURVE HAVING A LONG CHORD WHICH BEARS N79°23'46"E, A DISTANCE OF 48.77 FEET; THENCE S86°29'23"E A DISTANCE OF 23.22 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 80.00 FEET, A DISTANCE OF 21.89 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S78°39'05"E A DISTANCE OF 21.82 FEET; THENCE S70°48'47"E A DISTANCE OF 86.08 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 400.00 FEET, A DISTANCE OF 117.48 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S79°13'36"E, A DISTANCE OF 117.06 FEET; THENCE S87°38'26"E A DISTANCE OF 8.40 FEET; THENCE SOUTHEASTERLY ON A CURVE TO RIGHT WITH A RADIUS OF 1000.00 FEET, A DISTANCE OF 413.81 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S75°47'09"E, A DISTANCE OF 410.87 FEET; THENCE S63°55'51"E, A DISTANCE OF 28.68 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 225.00 FEET, A DISTANCE OF 50.44 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S70°21'10"E, A DISTANCE OF 50.33 FEET; THENCE S76°46'28"E, A DISTANCE OF 60.02 FEET; THENCE SOUTHEASTERLY ON A CURVE TO RIGHT WITH A RADIUS OF 250.00 FEET, A DISTANCE OF 24.22 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S73°59'56"E, A DISTANCE OF 24.21 FEET; THENCE S71°13'25"E, A DISTANCE OF 60.91 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET, A DISTANCE OF 37.79 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S75°33'14"E, A DISTANCE OF 37.75 FEET; THENCE S79°53'03"E A DISTANCE OF 68.56 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET, A DISTANCE OF 69.27 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S86°29'58"E, A DISTANCE OF 69.12 FEET; THENCE N86°53'07"E A DISTANCE OF 128.66 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A DISTANCE OF 47.34 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S88°35'40"E, A DISTANCE OF 47.29 FEET; THENCE S84°04'27"E, A DISTANCE OF 36.96 FEET, TO THE POINT OF TERMINATION.

CONTAINING AN AREA OF 40,071 SQUARE FEET OR 0.92 ACRES MORE OR LESS

30.00' TEMPORARY ACCESS EASEMENT FOR W-3

|                  |  |                  |
|------------------|--|------------------|
| DESIGNED BY: MPC | <b>S. 1/2 OF THE S.E. 1/4<br/>SECTION 27, T18N, R11E</b> | REVISED          |
| DRAWN BY: MM     |  | DATE: 9/16/2009  |
| CHECK'D. BY: MPC |  | SCALE: =         |
| APP'D. BY:       |  | SHEET NO. 2 OF 2 |