

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

FROM: Martin P. Cleveland, P.E., Construction Engineer

SUBJECT: Papio Creek Watershed PL566 Structure W-3
John F. Camden Family Trust Property Right of Way Acquisition
Camden Proposal

DATE: December 1, 2015

On August 13, 2015, the Board of Directors directed the filing for eminent domain of the permanent easements required to operate and maintain the W-3 project. Prior to commencing the condemnation proceeding, the District attempted to negotiate with Mr. Camden but he refused to negotiate unless the rehabilitated structure was removed.

Following the Board of Appraiser's hearing, Mr. Camden and his counsel met with District staff and counsel on September 18, 2015, to discuss his proposal to settle easement negotiations. Enclosed is a written copy of his proposal dated and received on October 5, 2015. Below is a description of his proposal:

1. Fill in auxiliary spillway with soil removed from the top of W-3 dam or supply the fill soil from an off-site source at District expense;
2. Move auxiliary spillway from south end of W-3 dam to center of the W-3 dam with a weir structure leaving the present principal spillway in place. Mr. Camden suggests that the weir/spillway could be accomplished by forming a concrete structure similar to the one on Hwy. 31 and Center Street (ZB #1 water quality basin), or by placing the riprap down the backside of W-3 dam in the shape of a weir. Mr. Camden estimates that it would take 800 tons of riprap with a material cost of \$32,000. Mr. Camden will place riprap if a rock weir design is used and District pays for materials;
3. Straighten out the dog-leg of the southwestern portion of the W-3 dam to allow Mr. Camden to farm the 6 acres (his estimate) of the filled in auxiliary spillway;
4. Camden Excavating would do the necessary dirt work at no cost to the District;
5. District would be granted an access easement, as revised along the south fence line. The original dam easement would remain in place and be revised to allow the construction of home sites with walkout basements on the north end of the original easement and east and south end of pond area;
6. The changes to the structure (dam site) would be in lieu of any damages sustained by Mr. Camden;
7. The District would be required to pay Mr. Camden's attorney fees.

Background on the Project:

The Papio Watershed Structure W-3 rehabilitation project was initiated in 2003 after a Natural Resources Conservation Service (NRCS) site assessment showed a need for rehabilitation due to

breach route damage potential impact on a house, farmland and Hwy. 30. This assessment was followed by several Board actions to approve agreements with NRCS in 2005, 2008 and 2009 for planning, design and rehabilitation construction of the referenced structure. The planning and design effort extended from 2005 to 2009 and included two public input meetings conducted by NRCS and District staff. The District held a right-of-way acquisition hearing in 2009. Throughout the planning and design phase, Mr. Camden had opportunities to provide input into the design of the referenced dam and many of his suggestions were incorporated into the dam design, such as lowering the drawdown elevation and moving the auxiliary spillway to the opposite end of the dam. The additional design effort in an attempt to satisfy the landowner cost the NRCS over \$27,000. The NRCS spent over \$60,000 on project planning and \$295,000 on the design of this structure. The District spent over \$100,000 in staff time and consultant services as well. The project construction cost was \$787,000. Overall project cost to date without land rights included is \$1,242,000.

District Staff's Review of Mr. Camden's Proposal

At this time, detailed engineering of Mr. Camden's proposal is not available. The below items contain estimates that are based on District Staff's experience and review.

1. To fill in the auxiliary spillway with off-site soil to return the ground to farming, will cost in excess of \$85,000. If some of the dam material is removed and reused and Mr. Camden assisted with earthmoving, the cost will may be lowered to the \$70,000 range. These are very rough cost estimates without any detailed engineering.
2. To move the auxiliary spillway to the center of the dam and use riprap as proposed by Mr. Camden would cost at least \$32,000 for materials. To build a Zorinsky Basin #1 type weir would cost in excess of \$400,000. It is District Staff's opinion that the riprap chute approach will likely not be approved by Nebraska Department of Natural Resources Dam Safety (DNR) and NRCS, due to high maintenance potential and possible failure of the dam.

The NRCS and DNR feedback on structure modification are attached, but in general, here are some significant points: (A) An extensive engineering, planning and permitting effort would be required to modify the existing dam. It would not be unreasonable to expect the planning and engineering effort to cost over \$400,000, (B) New permits would have to be secured from Corps of Engineers, DNR and DEQ for any project changes, (C) NRCS and NRD project agreement would have to be modified due to project changes and NRD would likely have to repay up to \$1,345,000 plus possible lost federal interest (NRCS estimate of their expenses associated with the project) to NRCS due to change in project purpose, (D) The proposed project modification would consume considerable staff time. It is reasonable to expect this effort to cost in excess of \$100,000 in staff time.

In conclusion, staff believes Mr. Camden's proposal is not in compliance with the NRCS/NRD project agreement and project purposes and would have a significant budgetary impact on the District, as it could cost \$1,000,000 plus possible repayment to the NRCS to accomplish the proposed modified project.

Management recommends that the Subcommittee recommend to the Board of Directors that Mr. Camden's October 5, 2015 written proposal for modifying the Papillion Creek Watershed PL 566 Structure W-3 project be rejected.

BRODKEY, PEEBLES, BELMONT & LINE, LLP
ATTORNEYS AT LAW

Bruce H. Brodkey
Edith T. Peebles, P.C., L.L.O.
Benjamin M. Belmont
Lisa M. Line
Wm. Oliver Jenkins
Tosha Rae D. Heavican

bbelmont@bcplaw.com

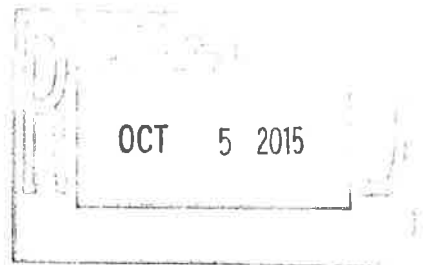
Two Old Mill, Suite 100
10855 West Dodge Road
Omaha, Nebraska 68154-2666

Telephone: (402) 397-2000
Facsimile: (402) 397-0803
www.bcplaw.com

October 5, 2015

VIA EMAIL ONLY

David M. Newman
Steve Grasz
HUSCH BLACKWELL
13330 California Street, Suite 200
Omaha, Nebraska 68154



RE: Camden v. Papio-Missouri NRD
Papio Site W-3

Dear David and Steve:

This letter is a follow up to our meeting on September 18, 2015. At the conclusion of our meeting, you requested we memorialize our proposal to resolve this matter. As you are aware, the following is for settlement purposes only and is not to be construed in any manner as an admission against my client's interest.

As we discussed, Mr. Camden is requesting the following changes to the Papio Site W-3 Dam:

1. Fill in emergency spillway with dirt removed from the top of the W-3 Dam or supply the fill dirt from an off-site source at NRD's expense;
2. Move emergency spillway from south end of W-3 Dam to center of W-3 Dam with a weir structure leaving the present principle spillway in place. The weir/spillway could be accomplished by forming a concrete structure similar to the one on Hwy 31 and Center Street, or by placing rip rap down the backside of W-3 Dam in the shape of a weir which would create the same effect as a concrete weir but much cheaper, estimating 800/ton of rip rap for approximately \$32,000.00, the NRD pays for the materials and Camden will place it;
3. Straighten out the dog leg portion of the W-3 Dam structure on the southwest portion, which would allow Mr. Camden to farm the six (6) additional acres provided by filling in the emergency spillway;
4. Camden Excavating would do the necessary dirt work at no cost to the District;

5. The District would be granted its easements as revised along south fence-line. The original easement would remain in place, and be revised to allow the construction of home sites with walkout basements on the north end of the original easement and the east and south end of pond area;
6. These changes to the structure would be in lieu of any damages sustained by Camden;
7. The District would be required to pay Camden's attorney fees.

I believe this proposal is extremely fair considering the loss that has been sustained by Camden and would bring this matter to a conclusion. Otherwise, as we have previously discussed, we can move forward with this condemnation, which we believe is again significantly flawed.

We will await hearing from you.

Yours very truly,

BRODKEY, PEEBLES, BELMONT & LINE LLP

s/ Benjamin M. Belmont

Benjamin M. Belmont

BMB/tg

cc: John Camden

United States Department Of Agriculture



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

October 29, 2015

Martin Cleveland
Papio-Missouri River NRD
8901 So. 154th Street
Omaha, NE 68138

Martin-

Stacy Sall and I had a teleconference yesterday with our Conservation Engineering Division in Washington, DC to determine what responsibilities the NRD might have with NRCS related to potential modifications of the Papio W-3 structure. Keep in mind, it is the NRD's decision on how to proceed and NRCS will support their decision.

Essentially we see three alternatives available to you as owner of the dam:

1. Make no structural modifications to the dam and reach an agreement with the landowner to solve the Right of Way / Land Rights dispute. In this situation there would be no impacts to the NRD agreement with, or funding provided by, NRCS.
2. Make modifications to the dam that will continue to meet current NRCS criteria. In this alternative, the structure would likely need to be re-classified as Low or Significant hazard potential by decreasing storage volume (lowering the top elevation of the dam) and/or increasing the principal spillway capacity. This alternative would result in reduced flood protection benefits downstream.
3. Make modifications to the dam that do not meet current NRCS design criteria. If this alternative is selected, then the NRD may need to reimburse NRCS and cancel any agreements with NRCS.

Alternatives 2 and 3 both involve reimbursement from the NRD to the NRCS for work previously completed on the project. The amount of reimbursement would be based on a calculation of the value of Federal Interest in the project. I can't tell you what exactly that Federal Interest would be, but in addition to direct funding provided by NRCS for technical and financial assistance for Planning, Design, and Construction; any loss in benefits provided by the dam may also be included.

I was able to find out that NRCS allocated at least \$1,345,000 for Planning, Design, and Construction of this structure's rehabilitation. This is the best value I can give you at this time for direct funding from NRCS. The value of any calculated Federal Interest might include any benefits lost in addition to this.

Regardless of the alternative selected, the NRD will be fully responsible for any costs incurred, including engineering/design or construction.

I hope this is the information you need. If not, or if you need further information, you can contact me by email at Kevin.Gustafson@ne.usda.gov or by phone at (402) 437-4042.

A handwritten signature in blue ink, appearing to read "Kevin Gustafson".

Kevin Gustafson

cc: Craig Derickson, State Conservationist, NE NRCS
Stacy Sall, Design Engineer, NE NRCS
Noller Herbert, Director, Conservation Engineering Division, DC NRCS

OCT 29 2015

Helping People Help the Land

An Equal Opportunity Provider and Employer

Cleveland, Martin

From: Gokie, Tim <tim.gokie@nebraska.gov>
Sent: Thursday, October 15, 2015 8:45 AM
To: Cleveland, Martin
Cc: Noble, Mark; Fox, Amanda
Subject: RE: Papio Creek Watershed Structure W-3

Martin,

These changes would be major alterations to the dam and would require Department approval. To receive Department approval, engineering plans, design report, specifications, application, and associated fees would need to be submitted. After approval of the plans, engineering oversight during construction would have to be provided at the NRDs expense. Following completion of the project, a construction certification form signed by an engineer would be required. If the Department finds that the alterations were constructed in accordance with the approved plans and the dam is safe to impound, an approval to operate would be issued by the Department.

Obviously, the auxiliary spillway chute that is being proposed would have to be designed by an engineer. I have reservations that an engineer would be able to design a stable riprap chute on the back side of the dam without significantly flattening the slope. I think what is being proposed would likely require an 8:1 or flatter downstream slope or a reinforced concrete chute with a large energy dissipation structure.

Tim Gokie, PE
Chief, Dam Safety
NE Department of Natural Resources
301 Centennial Mall South
PO Box 94676
Lincoln, NE 68509-4676

Phone: 402-471-6398
Email: tim.gokie@nebraska.gov

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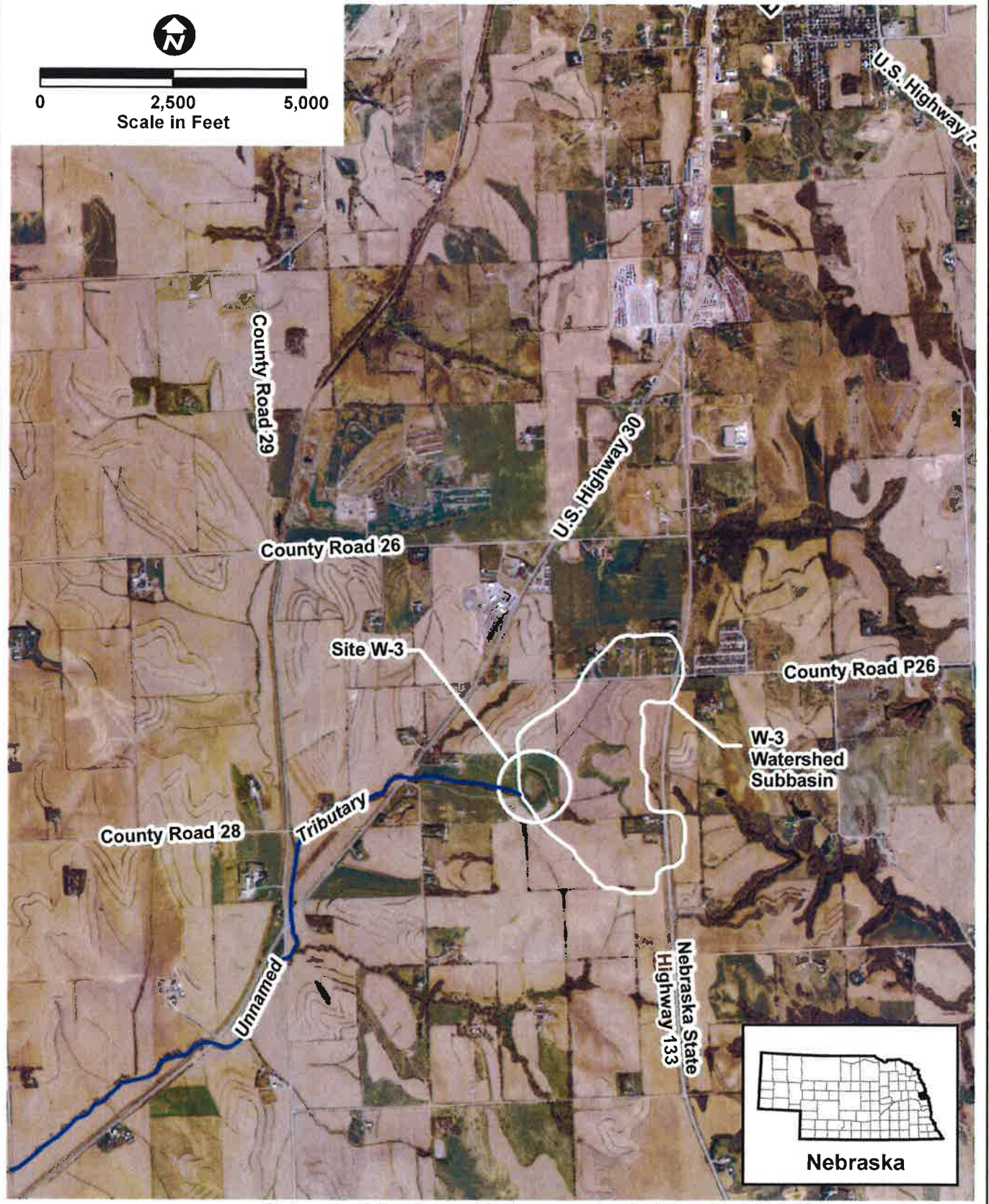
From: Cleveland, Martin [<mailto:mcleveland@papionrd.org>]
Sent: Thursday, October 15, 2015 8:25 AM
To: Gokie, Tim
Subject: Papio Creek Watershed Structure W-3

Tim:

As you are likely aware, we have had some ROW challenges on the W-3 site that was completed/rehabilitated in 2011. We still haven't secured the easements needed for it, due to court related issues. We have filed eminent domain again on the site to clean up the court issues. The landowner has proposed to settle, if we modify the structure as described in the attachment. The Proposal by him is to fill in the auxiliary spillway, cut down dam top and construct a riprap overflow chute in lieu of Aux. Spillway. This would require a project redesign and we think new permits and DNR approval. Can you confirm what would be needed to secure DNR approvals and permits? Any other thoughts? We will need to run this proposal by our Board in early November. NRD Staff opinion is that there are numerous challenges with doing as he requested, even if we thought it had any merit. Thanks!

Martin P. Cleveland, PE
Construction Engineer
Papio-MRNRD
8901 S. 154th Street
Omaha, NE 68138
402-444-6222
402-315-1707 (direct)
402-895-6543 (FAX)

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



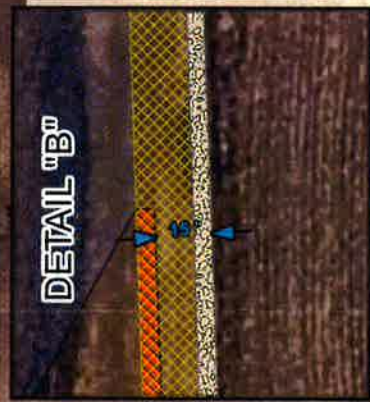
**Papillion Creek Watershed
Site W-3
Project Location Map**

DATE

Sept 2005

FIGURE

1



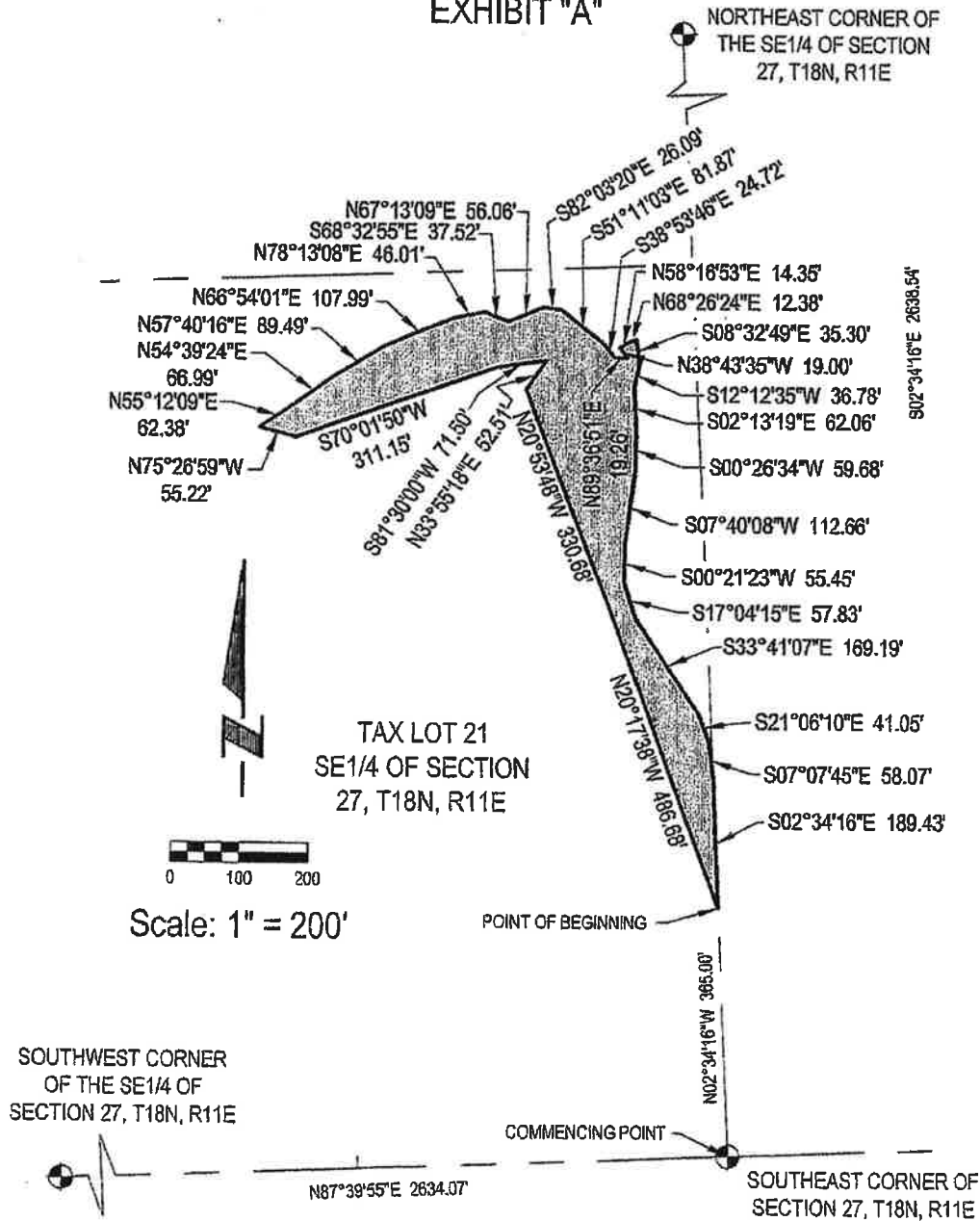
Papio Site W-3
Legend 7-8-2015

0 75 150 300 Feet

ORIGINAL EASEMENT
 PROPOSED PARTIAL RELEASE OF 15' ACCESS EASEMENT
 PROPOSED PARTIAL ADD FOR 15' ACCESS EASEMENT
 PROPOSED PERMANENT STRUCTURE AND POOL EASEMENT

City of Omaha, Nebraska
 Planning Department
 1500 Dodge Street, Omaha, NE 68102
 Phone: 402-442-3300
 Fax: 402-442-3301
 Email: planning@cityofomaha.org

EXHIBIT "A"



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



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE (402) 525-0700

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

PERMANENT EASEMENT
TAX LOT 21 OF THE SE 1/4 OF
SECTION 27, T18N, R11E
WASHINGTON COUNTY, NEBRASKA

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EXHIBIT "A"

LEGAL DESCRIPTION:

A PERMANENT 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:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TAX LOT 21, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 27; THENCE N02°34'18"W (ASSUMED BEARING) 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 365.00 FEET TO THE POINT OF BEGINNING; THENCE N20°17'38"W, A DISTANCE OF 486.68 FEET; THENCE N20°53'48"W, A DISTANCE OF 330.68 FEET; THENCE N33°55'18"E, A DISTANCE OF 52.51 FEET; THENCE S81°30'00"W, A DISTANCE OF 71.50 FEET; THENCE S70°01'50"W, A DISTANCE OF 311.15 FEET; THENCE N75°28'59"W, A DISTANCE OF 55.22 FEET; THENCE N55°12'09"E, A DISTANCE OF 62.38 FEET; THENCE N54°39'24"E, A DISTANCE OF 66.99 FEET; THENCE N57°40'16"E, A DISTANCE OF 89.49 FEET; THENCE N68°54'01"E, A DISTANCE OF 107.99 FEET; THENCE N78°13'08"E, A DISTANCE OF 46.01 FEET; THENCE S68°32'55"E, A DISTANCE OF 37.52 FEET; THENCE N67°13'09"E, A DISTANCE OF 58.06 FEET; THENCE S82°03'20"E, A DISTANCE OF 26.09 FEET; THENCE S51°11'03"E, A DISTANCE OF 81.87 FEET; THENCE S38°53'46"E, A DISTANCE OF 24.72 FEET; THENCE N89°36'51"E, A DISTANCE OF 19.26 FEET; THENCE N38°43'35"W, A DISTANCE OF 19.00 FEET; THENCE N58°16'53"E, A DISTANCE OF 14.35 FEET; THENCE N68°28'24"E, A DISTANCE OF 12.38 FEET; THENCE S08°32'49"E, A DISTANCE OF 35.30 FEET; THENCE S12°12'35"W, A DISTANCE OF 36.78 FEET; THENCE S02°13'19"E, A DISTANCE OF 62.06 FEET; THENCE S00°26'34"W, A DISTANCE OF 59.68 FEET; THENCE S07°40'08"W, A DISTANCE OF 112.66 FEET; THENCE S00°21'23"W, A DISTANCE OF 55.45 FEET; THENCE S17°04'15"E, A DISTANCE OF 57.83 FEET; THENCE S33°41'07"E, A DISTANCE OF 189.19 FEET; THENCE S21°06'10"E, A DISTANCE OF 41.05 FEET; THENCE S07°07'45"E, A DISTANCE OF 58.07 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 189.43 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS AN AREA OF 93,571 SQUARE FEET OR 2.148 ACRES, MORE OR LESS.

SHEET 2 OF 2
SEE SHEET 1 OF 2 FOR DRAWING



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ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 235-0100

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Chkd by:

Chkd by:

Job No.: P2009.227.001

Date: 05/14/2009

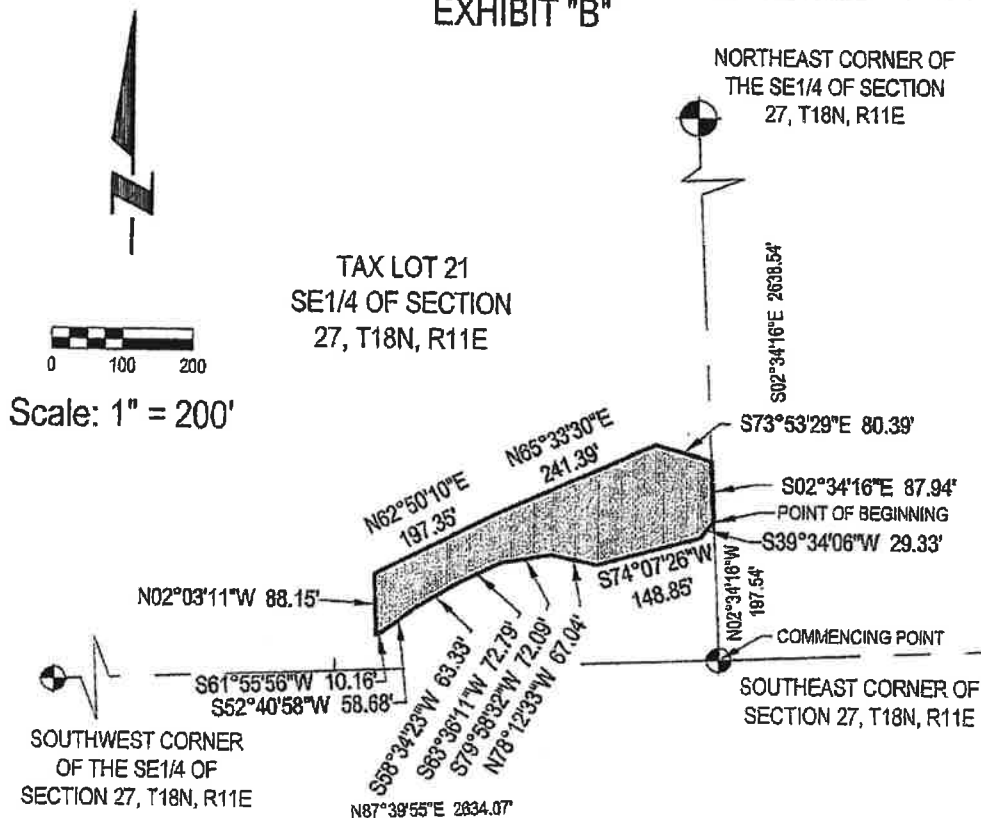
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PERMANENT EASEMENT
SE1/4 OF SECTION 27, T18N, R11E
WASHINGTON COUNTY, NEBRASKA

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EXHIBIT "B"



LEGAL DESCRIPTION:

A PERMANENT EASEMENT LOCATED IN TAX LOT 21 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TAX LOT 21, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE N02°34'16"W (ASSUMED BEARING) ALONG THE EAST LINE OF SAID TAX LOT 21, SAID LINE ALSO BEING THE EAST LINE OF SAID SE 1/4 OF SECTION 27, A DISTANCE OF 197.54 FEET TO THE POINT OF BEGINNING; THENCE S39°34'06"W, A DISTANCE OF 29.33 FEET; THENCE S74°07'26"W, A DISTANCE OF 148.85 FEET; THENCE N78°12'33"W, A DISTANCE OF 67.04 FEET; THENCE S79°58'32"W, A DISTANCE OF 72.09 FEET; THENCE S83°38'11"W, A DISTANCE OF 72.79 FEET; THENCE S88°34'23"W, A DISTANCE OF 63.33 FEET; THENCE S82°40'58"W, A DISTANCE OF 58.68 FEET; THENCE S61°55'56"W, A DISTANCE OF 10.16 FEET; THENCE N02°03'11"W, A DISTANCE OF 88.15 FEET; THENCE N62°50'10"E, A DISTANCE OF 197.35 FEET; THENCE N65°33'30"E, A DISTANCE OF 241.39 FEET; THENCE S73°53'29"E, A DISTANCE OF 80.39 FEET TO A POINT ON SAID EAST LINE OF TAX LOT 21, SAID LINE ALSO BEING SAID EAST LINE OF THE SE 1/4 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 SE 1/4 OF SECTION 27, A DISTANCE OF 87.94 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS AN AREA OF 48,754 SQUARE FEET OR 1.119 ACRES, MORE OR LESS.

SHEET 1 OF 1



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Drawn by: DAS

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Chkd by:

Job No.: P2009.227.001

Date: 05/14/2009

Book No.: 1336

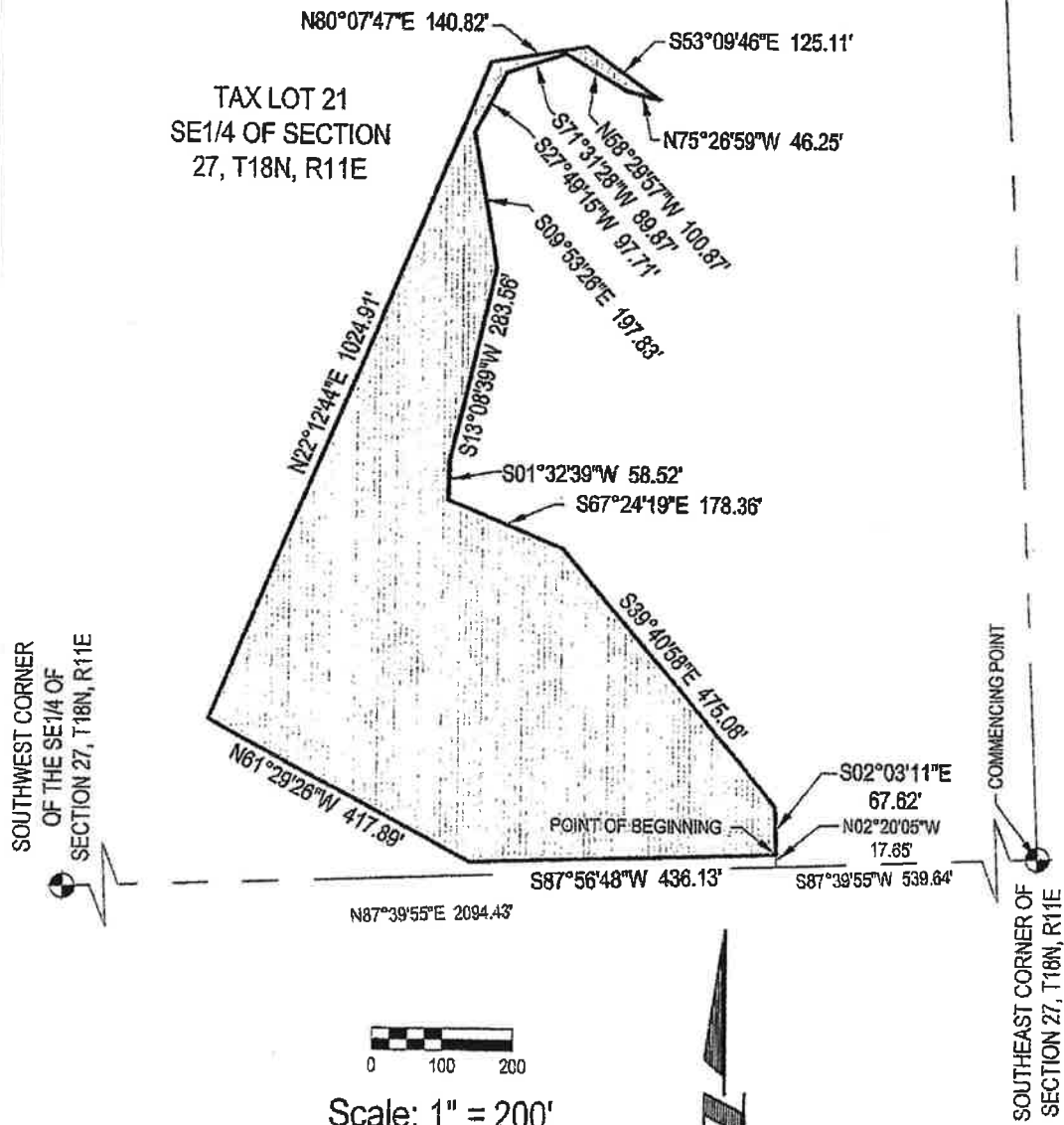
PERMANENT EASEMENT
TAX LOT 21 OF THE SE 1/4 OF
SECTION 27, T18N, R11E
WASHINGTON COUNTY, NEBRASKA

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EXHIBIT "C"

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



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



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ENGINEERING • PLANNING • FIELD SERVICES
300 NORTH 117TH STREET OMAHA, NE 68154 PHONE (402) 655-0000

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Job No.: P2009.227.001 Date: 05/14/2009 Book No.: 1336

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

EXHIBIT "C"

LEGAL DESCRIPTION:

A PERMANENT 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:

COMMENCING 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 THE SOUTH LINE OF SAID SE1/4 OF SECTION 27, A DISTANCE OF 539.64 FEET; THENCE N02°20'05"W, A DISTANCE OF 17.65 FEET TO THE POINT OF BEGINNING; THENCE S87°58'48"W, A DISTANCE OF 436.13 FEET; THENCE N61°29'26"W, A DISTANCE OF 417.89 FEET; THENCE N22°12'44"E, A DISTANCE OF 1024.31 FEET; THENCE N80°07'47"E, A DISTANCE OF 140.82 FEET; THENCE S53°09'46"E, A DISTANCE OF 126.11 FEET; THENCE N75°28'59"W, A DISTANCE OF 46.25 FEET; THENCE N58°29'57"W, A DISTANCE OF 100.87 FEET; THENCE S71°31'28"W, A DISTANCE OF 89.87 FEET; THENCE S27°49'15"W, A DISTANCE OF 97.71 FEET; THENCE S09°53'26"E, A DISTANCE OF 197.83 FEET; THENCE S13°08'39"W, A DISTANCE OF 283.56 FEET; THENCE S01°32'39"W, A DISTANCE OF 58.52 FEET; THENCE S87°24'19"E, A DISTANCE OF 178.36 FEET; THENCE S39°40'58"E, A DISTANCE OF 475.08 FEET; THENCE S02°03'11"E, A DISTANCE OF 67.62 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS AN AREA OF 346,862 SQUARE FEET OR 7.963 ACRES, MORE OR LESS.

SHEET 2 OF 2
SEE SHEET 1 OF 2 FOR DRAWING



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ENGINEERING • PLANNING • FIELD SERVICES
300 NORTH 17TH STREET OMAHA, NE 68154 PHONE (402) 865-0000

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Job No.: P2009.227.001 Date: 05/14/2009 Book No.: 1336

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

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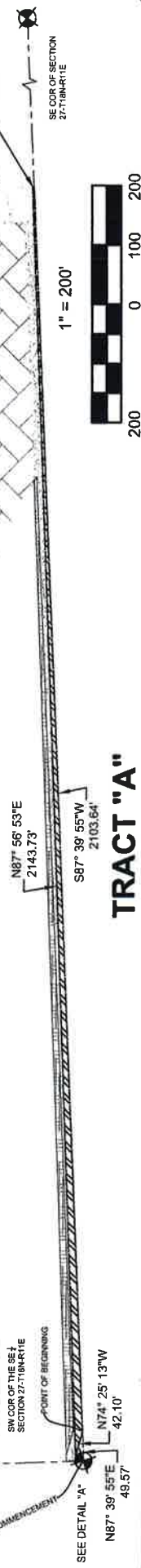
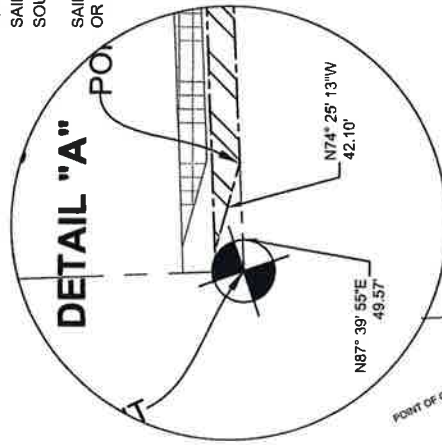
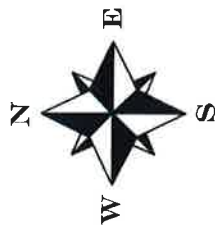
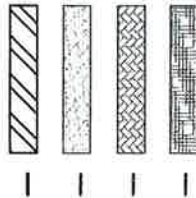
LEGAL DESCRIPTION

A PERMANENT INGRESS EGRESS EASEMENT LOCATED IN THAT PART OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST, OF THE 6 P.M. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTH $\frac{1}{4}$ OF SAID SOUTH $\frac{1}{2}$; THENCE N87°39'55"E (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SOUTH $\frac{1}{4}$; FOR A DISTANCE OF 49.57 FEET TO THE POINT OF BEGINNING; THENCE N74°25'13"W FOR A DISTANCE OF 42.10 FEET TO A POINT ON THE SOUTH LINE OF A PAPIO NATURAL RESOURCES DISTRICT'S PERMANENT EASEMENT RECORDED IN BOOK 145, PAGES 04-06, ON MARCH 2, 1984 WASHINGTON COUNTY, NE.; THENCE N87°56'53"E ALONG SAID SOUTH LINE OF SAID PERMANENT EASEMENT, FOR A DISTANCE OF 2143.73 FEET; THENCE S02°03'06"E FOR A DISTANCE OF 2.37 FEET, TO A POINT ON SAID SOUTH LINE OF SAID SOUTH $\frac{1}{4}$; THENCE S87°39'55"W ALONG SAID SOUTH LINE OF SAID SOUTH $\frac{1}{4}$; FOR A DISTANCE OF 2103.64 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT INGRESS EGRESS EASEMENT CONTAINS AN AREA OF 16157 SQUARE FEET, OR 0.371 ACRES MORE OR LESS.

PROPOSED PERMANENT INGRESS EGRESS EASEMENT (TRACT "A")



TRACT "A"

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
 8901 S. 154TH STREET
 OMAHA NE, 68138-3621
 OFFICE: 402-444-6222
 FAX: 402-895-6543
www.papionrd.org



PAPIO DAM SITE W3

A PERMANENT INGRESS EGRESS EASEMENT IN THAT PART OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST, OF THE 6 P.M.

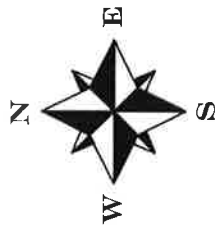
PROJECT: PAPIO DAM SITE W3
DRAWN BY: GMM
SCALE: 1" = 200'
SHEET: 1 OF 1

LEGAL DESCRIPTION

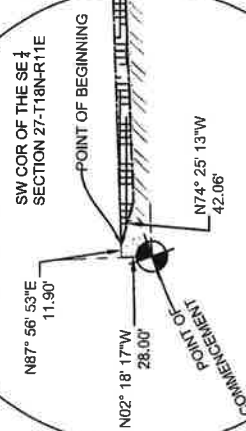
A PARTIAL RELEASE OF A PAPIO NATURAL RESOURCES DISTRICT'S PERMANENT EASEMENT RECORDED IN BOOK 145, PAGES 04-06, ON MARCH 2, 1984 WASHINGTON COUNTY, NE, LOCATED IN THAT PART OF THE SOUTH $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST, OF THE 6 P.M. SAID PARTIAL RELEASE OF SAID PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST $\frac{1}{4}$; THENCE N02°18'17"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SOUTHEAST $\frac{1}{4}$; FOR A DISTANCE OF 28.00 FEET TO A POINT ON THE NORTH LINE OF SAID PAPIO NATURAL RESOURCES DISTRICT'S PERMANENT EASEMENT; THENCE N87°56'53"E ALONG SAID NORTH LINE FOR A DISTANCE OF 11.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°56'53"E ALONG SAID NORTH LINE, FOR A DISTANCE OF 1646.39 FEET; THENCE S81°29'21"E FOR A DISTANCE OF 9.38 FEET; THENCE S87°39'55"W FOR A DISTANCE OF 1614.40 FEET; THENCE N74°25'13"W FOR A DISTANCE OF 42.06 FEET TO A POINT ON SAID NORTH LINE OF SAID PAPIO NATURAL RESOURCES DISTRICT'S PERMANENT EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING

SAID PARTIAL RELEASE OF SAID PAPIO NATURAL RESOURCES DISTRICT'S PERMANENT EASEMENT CONTAINS AN AREA OF 14367 SQUARE FEET, OR 0.330 ACRES MORE OR LESS.

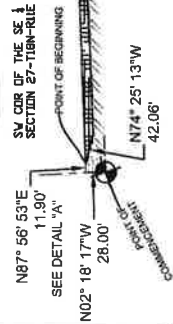


DETAIL "A"



PROPOSED PARTIAL RELEASE OF PERMANENT EASEMENT (TRACT "B")

TRACT "B"



PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

8901 S. 154TH STREET
OMAHA NE 68138-3621
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PAPIO DAM SITE W3

A PARTIAL RELEASE OF A PAPIO NATURAL RESOURCES DISTRICT'S PERMANENT EASEMENT IN THAT PART OF THE SOUTH $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 11 EAST, OF THE 6 P.M.