

Agenda Item 12.A.

MEMORANDUM:

TO: The Board

SUBJECT: Public Hearing on the Pigeon/Jones Creek Site 15 Project

DATE: July 1, 2010

FROM: Jim Thompson, Chairperson

On July 15, 2010, at 7:00 o'clock, p.m. (CDT) the District will hold a public hearing on the Pigeon/Jones Creek Site 15 Project in Dakota County, Nebraska, and on the acquisition by the District of real property for the Project.

The hearing will be held at the Dakota City office of the District at the Dakota County Service Center, 1505 Broadway Street, in Dakota City.

A copy of the Notice of Public Hearing and Notice of Proposed Acquisition for the Project is attached to this memo.

Management has retained the services of a court reporter to record the proceedings at the hearing and provide a transcript of the hearing for the Board of Directors.

It is necessary that the Board of Directors appoint a hearing officer to conduct the hearing. Management recommends that the Board of Directors appoint Assistant General Manager Marlin Petermann as hearing officer for the public hearing and for that purpose it is recommended that the Board adopt the following resolution:

BE IT RESOLVED that Assistant General Manager Marlin Petermann is hereby appointed as hearing officer for the District's public hearing on July 15, 2010, at 7:00 o'clock, p.m. (CDT), at the Dakota County Service Center, 1505 Broadway Street, Dakota City, Nebraska, on the Pigeon/Jones Creek Site 15 Project in Dakota County, Nebraska, and on the acquisition by the District of real property for such Project.

/pt/Board/2010/july/p/j public hearing

Papio-Missouri River Natural Resources District

Notice of Public Hearing and Notice of Proposed Acquisition

Pigeon/Jones Creek Site #15 Project

NOTICE OF PUBLIC HEARING

Please take notice that on July 15, 2010, at 7:00 p.m. the Papio-Missouri River Natural Resources District (hereinafter referred to as "the District") will hold a public hearing on the Pigeon/Jones Creek Site 15 Project (hereinafter referred to as "the Project") in Dakota County, Nebraska, and on the acquisition by the District of real property for the Project.

The hearing will be held at the Dakota City office of the District at the Dakota County Service Center, 1505 Broadway Street Dakota City, Nebraska (Mailing address: P. O. Box 480, Dakota City, Nebraska 68731-0480).

At the hearing, the District shall explain the nature and necessity for the Project, the reasons for selecting the particular location for the Project, and the right of each owner of property to be represented by an attorney and to negotiate and accept or reject the offer of damages which will be sustained by the proposed acquisition, and the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain.

At the hearing the District shall hear and consider any and all testimony from any person.

NOTICE OF PROPOSED ACQUISITION

The Papio-Missouri River Natural Resources District proposes to acquire for the Project the fee simple title to certain parcels, and/or easements over other parcels, in Dakota County, Nebraska, which you own or in which you may have a right or interest (such parcels hereinafter being referred to collectively as "the Acquisition Property," whether one tract or more).

The Project is a general benefit, flood control, recreation and wetlands project of the District, funded in part by the Nebraska Department of Natural Resources by means of a Nebraska Resources Development Fund grant.

The Project and surrounding geographic areas are depicted in the map attached hereto as Exhibit "A" and incorporated herein by reference. The Project consists of two principle components: (a) the Pigeon/Jones Creek Site 15 Project flood control dam and reservoir, with associated public recreation area, all in Sections 23, 24, 25, 26, 35 and 36, Township 28 North, Range 7 East of the 6th P.M., Dakota County, Nebraska, and (b) offline flood control, flood storage and wetlands facilities in, on and adjacent to Pigeon Creek, in Sections 13, 23, 24, Township 28 North, Range 7 East of the 6th P.M., Dakota County, Nebraska, and in Sections 20 and 21, Township 28 North, Range 8 East of the 6th P.M., Dakota County, Nebraska, all downstream of the aforesaid Project dam, reservoir and public recreation area improvements.

An additional map/diagram, entitled "P-MRNRD Pigeon/Jones Creek Site 15 Master Plan," depicting the aforesaid dam, reservoir and public recreation area improvements, is attached hereto as Exhibit "B" and incorporated herein by reference.

The District offers the following additional information:

1. The property proposed to be acquired and the compensation to be given for the property:

The Acquisition Property, to be acquired by the District for the Project, is identified in the two-page "Landrights Map" for the Project, attached hereto as Exhibit "C" and incorporated herein by reference.

The compensation to be given for the Acquisition Property will be monetary damages generally consisting of the fair market value of parcel(s) being acquired in fee simple, plus any reduction in the fair market value of the remainder resulting from the acquisition, determined in accordance with the laws of the State of Nebraska, and as appraised by licensed, professional real estate appraisers retained by the District.

2. The authority for the acquisition:

The District's authority for the proposed acquisitions is found in Nebraska Revised Statutes, Sections 2-3229, et seq.

3. The nature of and necessity and purpose for which the land shall be used:

The Acquisition Property is necessary and will be used for construction, operation and maintenance of the Project.

4. The right, title or interest in the property to be acquired:

The District proposes to acquire certain parcels in fee simple, and acquire easements over other parcels, all as identified in the attached "Landrights Map" for the Project (Exhibit "C").

5. The amount of property needed:

The acreages of the respective parcels necessary to be acquired in fee simple for the Project, and the acreages of the respective parcels over which easements are necessary to be acquired for the Project, all are enumerated in the attached two-page "Landrights Map" for the Project (Exhibit "C").

6. The reasons for selecting the proposed location:

The parcels being acquired in fee simple, and the easements being acquired over other parcels, were selected as the proposed location for the Project because of their respective topographies and their adjacency or proximity to Pigeon/Jones Creeks, and because of their suitability and adaptability for flood control, recreation and wetlands features expected to be provided for the public.

7. Approval required from other agencies:

None.