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.
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; THEN MOVE S87°56'55"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 1401.67 FEET; THEN MOVE N01°39'18"E, A DISTANCE OF 374.88 FEET; THEN MOVE 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; THEN MOVE N87°42'19"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; THEN MOVE 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; THEN MOVE N07°07'45"W, A DISTANCE OF 60.07 FEET; THEN MOVE N21°08'10"W, A DISTANCE OF 41.05 FEET; THEN MOVE N03°41'07"W, A DISTANCE OF 168.19 FEET; THEN MOVE N17°04'15"W, A DISTANCE OF 67.93 FEET; THEN MOVE N09°21'50"W, A DISTANCE OF 56.49 FEET; THEN MOVE N07°40'08"W, A DISTANCE OF 112.65 FEET; THEN MOVE N00°00'00"E, A DISTANCE OF 59.68 FEET; THEN MOVE N02°15'16"W, A DISTANCE OF 62.56 FEET; THEN MOVE N12°12'35"W, A DISTANCE OF 36.78 FEET; THEN MOVE N08°32'49"W, A DISTANCE OF 26.30 FEET; THEN MOVE S80°20'47"W, A DISTANCE OF 12.38 FEET; THEN MOVE S58°16'53"W, A DISTANCE OF 14.33 FEET; THEN MOVE S38°43'35"W, A DISTANCE OF 16.06 FEET; THEN MOVE S98°36'51"W, A DISTANCE OF 19.26 FEET; THEN MOVE S88°53'46"W, A DISTANCE OF 24.72 FEET; THEN MOVE N61°11'02"W, A DISTANCE OF 61.07 FEET; THEN MOVE N82°03'20"W, A DISTANCE OF 28.09 FEET; THEN MOVE S67°13'06"W, A DISTANCE OF 66.66 FEET; THEN MOVE S63°32'56"W, A DISTANCE OF 37.32 FEET; THEN MOVE S66°54'01"W, A DISTANCE OF 167.99 FEET; THEN MOVE S57°40'16"W, A DISTANCE OF 66.40 FEET; THEN MOVE S54°38'24"W, A DISTANCE OF 66.89 FEET; THEN MOVE S55°12'03"W, A DISTANCE OF 62.38 FEET; THEN MOVE N78°20'09"W, A DISTANCE OF 27.12 FEET; THEN MOVE N53°09'46"W, A DISTANCE OF 125.11 FEET; THEN MOVE S60°07'47"W, A DISTANCE OF 140.82 FEET; THEN MOVE S22°12'14"W, A DISTANCE OF 1024.91 FEET; THEN MOVE S91°29'26"E, A DISTANCE OF 417.89 FEET; THEN MOVE N87°50'48"E, A DISTANCE OF 435.13 FEET; THEN MOVE N09°39'17"E, A DISTANCE OF 66.85 FEET; THEN MOVE N61°55'56"E, A DISTANCE OF 10.16 FEET; THEN MOVE N02°43'56"E, A DISTANCE OF 109.58 FEET; THEN MOVE N09°34'23"E, A DISTANCE OF 53.33 FEET; THEN MOVE N53°38'11"E, A DISTANCE OF 72.79 FEET; THEN MOVE N70°59'32"E, A DISTANCE OF 72.05 FEET; THEN MOVE S78°12'35"E, A DISTANCE OF 67.04 FEET; THEN MOVE N74°07'28"E, A DISTANCE OF 148.65 FEET; THEN MOVE N03°40'06"E, A DISTANCE OF 28.33 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; THEN MOVE 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.
30.00 FOOT WIDE
TEMPORARY CONSTRUCTION
ACCESS EASEMENT

LEGAL DESCRIPTION
A 30.00 FOOT WIDE TEMPORARY EASEMENT LOCATED IN THAT PART OF THE S. 1/2 OF
THE SE 1/4 OF SECTION 27, TOWNSHIP 18 N., RANGE 11 E., OF THE 6 P.M. THE
CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWING:

COMMENCING AT THE SW CORNER OF SAID SE 1/4 THENCE N09°00'00"W (ASSUMED BEARING)
ALONG THE MOST LINE OF SAID SE 1/4 A DISTANCE OF 762.05 FEET TO THE POINT OF BEGINNING;
THENCE N09°00'00"W A DISTANCE OF 2.74 FEET; THENCE NORTHEASTERLY ON A CURVE TO
THE POINT WITH A RADIUS OF 1000 FEET; A DISTANCE OF 49.27 FEET; SAID CURVE HAVING
A LONG CHORD WHICH BORES N05°23'46"E; A DISTANCE OF 45.77 FEET; THENCE S05°23'46"E
A DISTANCE OF 22.22 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A
RADIUS OF 89.00 FEET; A DISTANCE OF 21.22 FEET; SAID CURVE HAVING A LONG CHORD
WHICH BORES S03°30'30"E A DISTANCE OF 21.82 FEET; THENCE S03°30'30"E A DISTANCE
OF 86.00 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF
117.48 FEET; SAID CURVE HAVING A LONG CHORD WHICH BORES S03°30'30"E; A DISTANCE
OF 71.40 FEET; THENCE S03°30'30"E A DISTANCE OF 96.80 FEET; THENCE SOUTHEASTERLY
ON A CURVE TO THE LEFT WITH A RADIUS OF 1000 FEET; A DISTANCE OF 413.31 FEET;
SAID CURVE HAVING A LONG CHORD WHICH BORES S01°47'00"E; A DISTANCE OF 20.66 FEET;
THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 220.00 FEET; A
DISTANCE OF 50.44 FEET; THENCE S01°47'00"E; A DISTANCE OF 60.02 FEET; THENCE SOUTHEASTERLY
ON A CURVE TO THE LEFT WITH A RADIUS OF 220.00 FEET; A DISTANCE OF 24.22 FEET;
SAID CURVE HAVING A LONG CHORD WHICH BORES S01°47'00"E; A DISTANCE OF 24.22 FEET;
TO THE LEFT HAVING A RADIUS OF 230.00 FEET; A DISTANCE OF 37.29 FEET; THENCE
S01°47'00"E; A DISTANCE OF 37.29 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE
LEFT HAVING A RADIUS OF 230.00 FEET; A DISTANCE OF 50.27 FEET; SAID CURVE HAVING
A LONG CHORD WHICH BORES S01°47'00"E; A DISTANCE OF 57.82 FEET; THENCE S01°47'00"E
A DISTANCE OF 93.00 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT HAVING
A RADIUS OF 300.00 FEET; A DISTANCE OF 43.24 FEET; SAID CURVE HAVING A LONG CHORD
WHICH BORES S01°47'00"E; A DISTANCE OF 47.29 FEET; THENCE S01°47'00"E; A DISTANCE
OF 30.96 FEET; TO THE POINT OF TERMINATION.

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

EXHIBIT "A"

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

S. 1/2 OF THE SE 1/4
SECTION 27, T18N, R11E
REVISION 4/18/2019
FILE# 1
APPD 01

30.00' TEMPORARY ACCESS EASEMENT FOR W-3
LEGAL DESCRIPTION

A 30.00 FOOT WIDE TEMPORARY EASEMENT LOCATED IN THAT PART OF THE S. 1/2 OF THE SE 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 1/4; THENCE NO2°19’14”W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SE 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 THE 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 28.88 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 THE 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 300.00 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