

Agenda Item: 9.A.

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

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

SUBJECT: Papio Creek Watershed PL 566 Structure W-3
John F. Camden Family Trust Property Right of Way Acquisition
Washington County Court Board of Appraisers Award

DATE: November 30, 2015

In August 2015, the Board of Directors directed the filing of eminent domain for the permanent easements necessary to operate and maintain the W-3 project. On November 13, 2015, the Board of Appraisers filed their final report. The award of the appraisers is:

John F. Camden Family Trust \$172,671.00

The deposit of \$172,671.00 with County Court in order to secure the easements will come out of account 01035904430 – Maintenance, Dams Land Rights. As of September 30, 2015, there is \$129,825 in this account, so with this payment the account will exceed 110%. The FY2016 Budget was based on past offers to Camden.

The Board may elect to appeal the award by the Board of Appraisers. Based on the amount of the award compared to the District's appraisal (\$78,050) it is recommended that the Board not appeal the award. The Appeal must be filed within 30 days of the Board of Appraisers award (by December 13, 2015).

It is recommended by Management that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to make a deposit of \$172,671.00 with the Washington County Court for Papillion Creek Watershed Structure W-3 Camden Land Rights; and furthermore that the District not appeal this Board of Appraisers award to John F. Camden Family Trust; and furthermore that financial account #01035904430, Maintenance, Dams-Land Rights, be allowed to exceed 110% of the budgeted amount.

IN THE COUNTY COURT OF WASHINGTON COUNTY, NEBRASKA

PAPIO-MISSOURI RIVER NATURAL)
RESOURCES DISTRICT,)
)
Petitioner-Condemner,)
)
v.)
)
JOHN F. CAMDEN, Trustee of the JOHN)
F. CAMDEN FAMILY TRUST dated)
February 21, 2014)
)
Respondent-Condemnee.)

Case No. CI 15-286
CLERK OF COUNTY COURT
Washington County, NE
FILED
NOV 13 2015
VICKI KUHLMANN
CLERK MAGISTRATE
FINAL REPORT
APPRAISERS

COME NOW the undersigned and report to the County Judge and to the Court, pursuant to Neb. Rev. Stat. § 76-710, as follows:

FIRST: The undersigned are duly appointed, qualified, and acting members of the Board of Appraisers in this proceeding by virtue of the Appointment of Appraisers duly served upon us by the Sheriff of Washington County, Nebraska in this condemnation action, and after having taken and filed the Oath of Appraisers on August 24, 2015.

SECOND: On August 24, 2015, commencing at the hour of approximately 1:00 p.m. the undersigned: (a) carefully inspected and viewed the property taken as detailed in Exhibits "B" and "C" of the Petition and incorporated herein by reference (the "Property") and also any other property of the Condemnee damaged thereby; and (b) heard any interested party who was present while the said Property was being inspected and viewed.

THIRD: Also, on August 24, 2015 at 10:00 a.m., commencing at the hour of approximately 10:00 a.m. the undersigned (a) met and convened as a Board of Appraisers; (b) heard any interested party who was present at said meeting and hearing; and (c) appraised the Property taken and ascertained and determined the damages sustained by the Condemnees. On



November 9, 2015, the Board of Appraisers met to determine the damages sustained by the Condemnees based on the information gathered on August 24, 2015 and independent research of legal issues and valuation issues.

FOURTH: The undersigned hereby find and appraise all the damages suffered by reason of the taking of the Property, including interest, total One Hundred Seventy Two Thousand, Six Hundred Seventy One Dollars and Zero Cents (\$172,671.00). Such damages to be awarded to JOHN F. CAMDEN, Trustee of the JOHN F. CAMDEN FAMILY TRUST dated February 21, 2014.

IN WITNESS HEREOF, the undersigned have executed this FINAL REPORT OF APPRAISERS this 12 day of November, 2015.



David Drew



Russell Nelsen



Melissa Schutt

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing instrument was served via U.S. Mail, postage pre-paid, on this 13th day of November, 2015, to the following:

David M. Newman
Husch Blackwell LLP
13330 California St., Suite 200
Omaha, NE 68154
Counsel for Petitioner-Condemner

Ben Belmont and Oliver Jenkins
Brodkey, Peebles, Belmont & Line, L.L.P.
10855 West Dodge Road, Suite 100
Omaha, NE 68154
Counsel for Condemnee


