MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Little Papio Channel Project (West Center Road to Spring Street) – Left Bank
Douglas County Request for Right-of-Way Release

DATE: May 31, 2007

The Douglas County Attorney’s office has contacted the NRD regarding an apparent deed error when the County transferred the Little Papio Channel Project ROW to the NRD in 1997. The parcel in question, located near 66th Street and West Center Road, apparently includes Little Papio Creek ROW, but also includes land appurtenant to the Douglas County Parks Maintenance Building that was erroneously deeded to the NRD (see enclosed map and ground photograph).

The County desires to sell the before mentioned building and appurtenant land to the University of Nebraska Foundation, so they need to clean-up their deed error.

The County’s Consultant, Thompson Dreessen and Dorner (TD²) has prepared deed and access corridor legal descriptions (see enclosure). NRD staff has reviewed proposed right-of-way boundary (see enclosed photo) and finds it to be acceptable.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute such deeds and/or other conveyance instruments as he determines necessary and Legal Counsel approves as to form, in order to convey back to the County of Douglas that portion of the land (located near 66th Street and West Center Road) that the County erroneously conveyed to the NRD in 1997 and that exceeds the NRD’s needs for Little Papio Creek Channel Project operation and maintenance.
LEGAL DESCRIPTION


THENCE SOUTHEASTLY 130.00 FEET ON THE EAST LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING;

THENCE EAST 265.00 FEET ON THE NORTH LINE OF WEST CENTER ROAD;

THENCE NORTH 405.00 FEET TO THE SOUTH LINE OF WEST CENTER ROAD;

THENCE SOUTHWESTLY 265.00 FEET TO THE NORTH LINE OF WEST CENTER ROAD;

THENCE SOUTHEASTLY 130.00 FEET ON THE SOUTH LINE OF WEST CENTER ROAD TO THE POINT OF BEGINNING.

CERTIFICATION

This plan does not show the location and description of the improvements on the above described property.

MAY 10, 2007

DATE

JAMES M. MADER

NOTES:

1. Physical items described in the legend are not shown to scale for the sake of clarity and are subject to any subsequent modifications.

2. The surveyed property contains 1,654.00 square feet or 0.04 acres more or less.

LEGEND

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SCALE IN FEET

1" = 20'
DEED with RESERVED EASEMENT

The PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (hereinafter referred to as "GRANTOR"), in consideration of TEN DOLLARS ($10.00) and other valuable consideration received from THE COUNTY OF DOUGLAS, NEBRASKA (hereinafter referred to as "GRANTEE"), does hereby convey to GRANTEE that parcel of land in Douglas County, Nebraska, described in the written legal description attached hereto as Exhibit "A" and incorporated herein by reference; such conveyance, however, being subject to the reservation and preservation unto the GRANTOR of the permanent right to the unobstructed use of the portion thereof, described in the written legal description attached hereto as Exhibit "B" and incorporated herein by reference, for ingress and egress between the Little Papillion Creek and public road right-of-way.

Dated this ___ day of __________________, 2007.

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

By __________________________

GENERAL MANAGER

STATE OF NEBRASKA )

) SS.

COUNTY OF SARPY )

The foregoing instrument was acknowledged before me on this _____ day of __________________, 2007, by the above-named JOHN WINKLER, General Manager of the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, for and on behalf of said District.

___________________________

Notary Public
LEGAL DESCRIPTION


THENCE S00°53'03"W (ASSUMED BEARING) 136.93 FEET ON THE EAST LINE OF SAID SE1/4 TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF WEST CENTER ROAD;

THENCE CONTINUING S00°53'03"W 32.74 FEET ON THE EAST LINE OF SAID SE1/4;

THENCE S67°16'03"W 73.56 FEET ON A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF WEST CENTER ROAD;

THENCE S57°23'03"W 427.95 FEET ON A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF WEST CENTER ROAD;

THENCE N35°24'03"W 30.04 FEET TO THE SOUTH LINE OF WEST CENTER ROAD;

THENCE N57°23'03"E 432.00 FEET ON THE SOUTH LINE OF WEST CENTER ROAD;

THENCE N67°16'03"E 89.27 FEET ON THE SOUTH LINE OF WEST CENTER ROAD TO THE POINT OF BEGINNING.

EXHIBIT "B"