

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

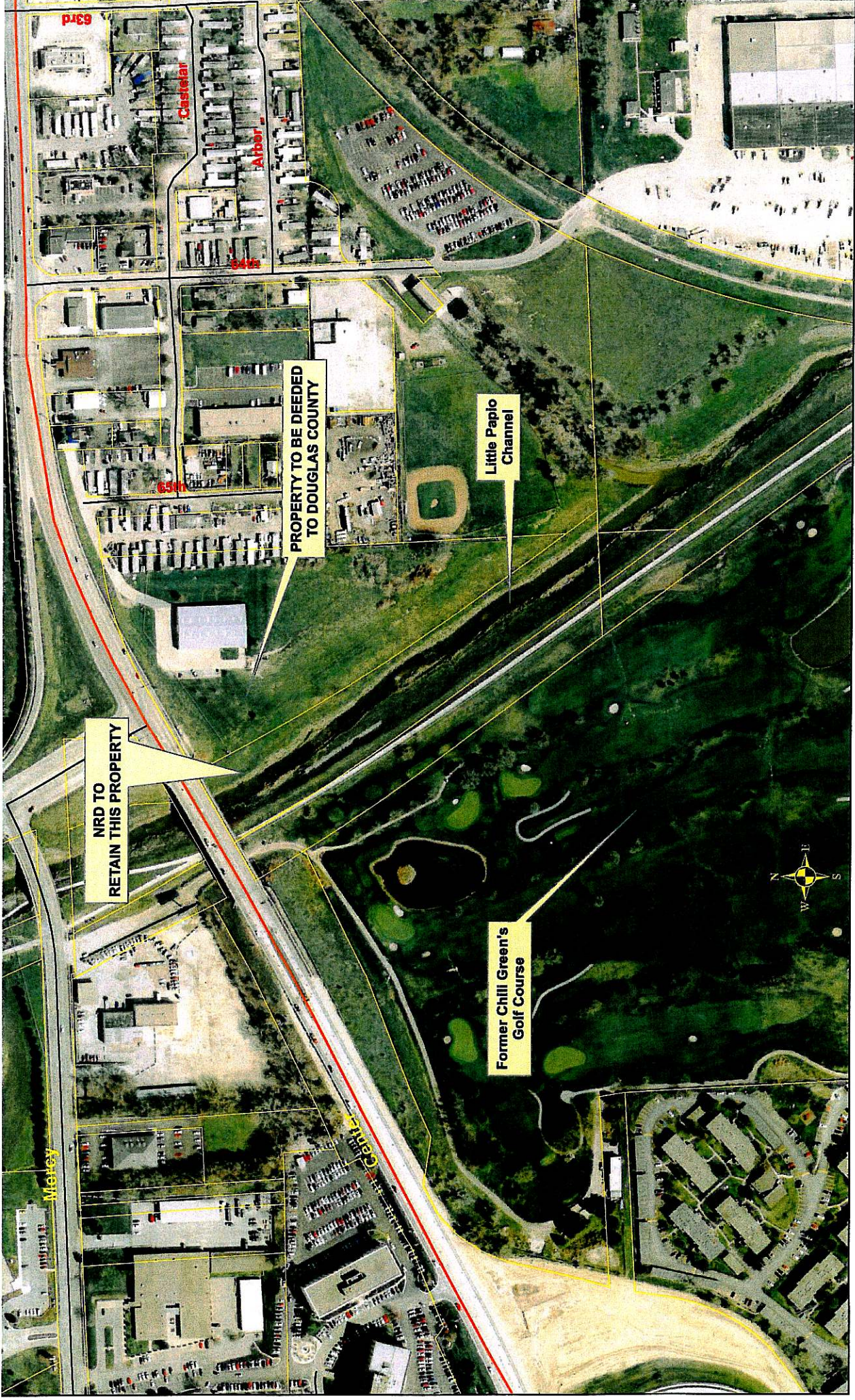
DATE: May 31, 2007

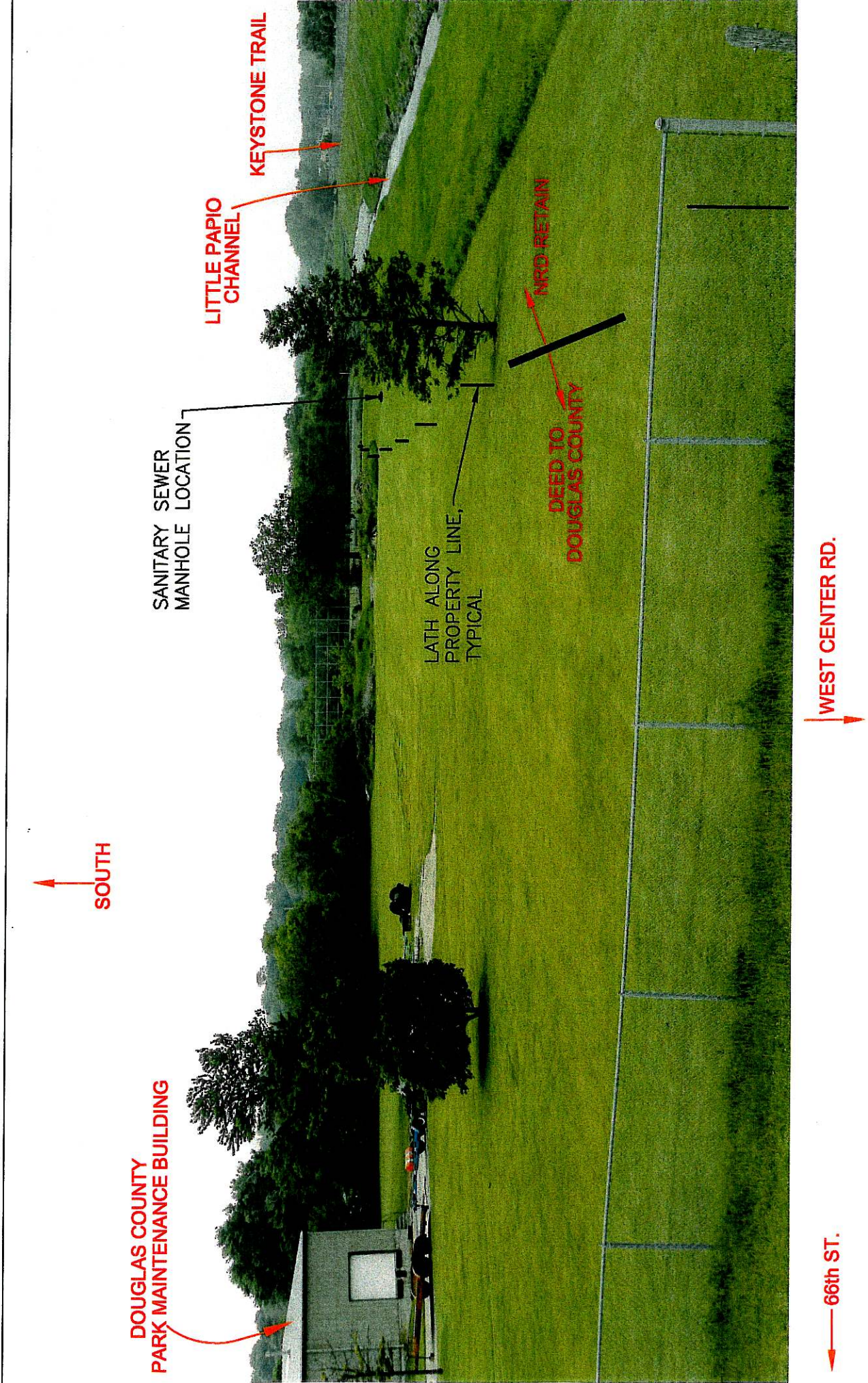
The Douglas County Attorney's office has contacted the NRD regarding an apparent deed error when the County transferred the Little Papio Channel Project ROW to the NRD in 1997. The parcel in question, located near 66th Street and West Center Road, apparently includes Little Papio Creek ROW, but also 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 Dörner (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.





DOUGLAS COUNTY
PARK MAINTENANCE BUILDING

SOUTH

SANITARY SEWER
MANHOLE LOCATION

LATH ALONG
PROPERTY LINE,
TYPICAL

DEED TO
DOUGLAS COUNTY

NRD RETAIN

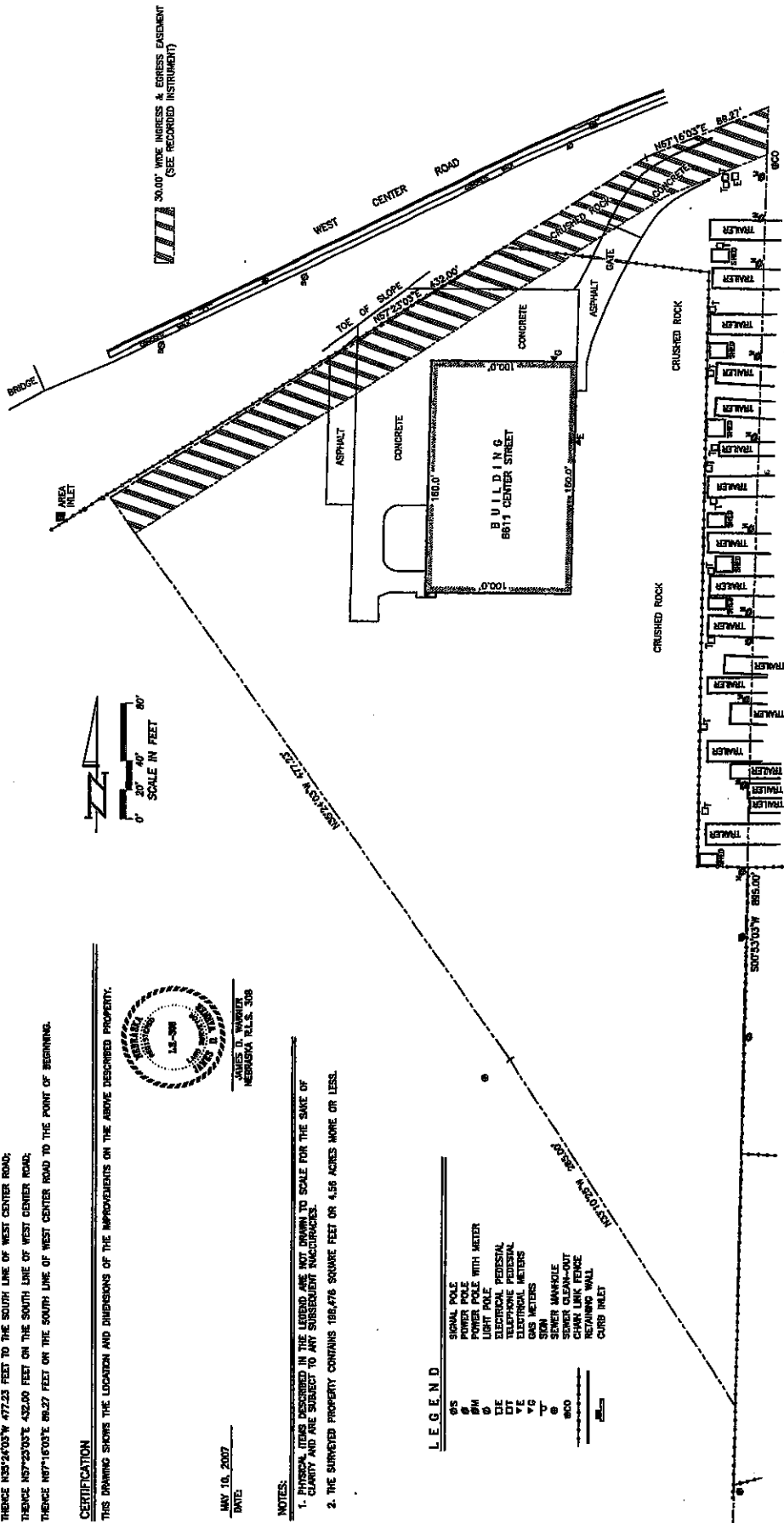
LITTLE PAPIO
CHANNEL

KEYSTONE TRAIL

66th ST.

WEST CENTER RD.

Ø5	SIGNAL POLE
Ø	POWER POLE
Ø1/2	WITH METER
Ø	LIGHT POLE
Ø1	ELECTRICAL PEDESTAL
Ø1 1/2	TELEPHONE PEDESTAL
Ø2	ELECTRICAL METERS
Ø2 1/2	GAS METERS
Ø3	SIGN
Ø4	SEWER MANHOLE
Ø6	SEWER CLEAN-OUT
Ø8	CHAIN LINK FENCE
Ø10	RETAINING WALL



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

THAT PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 25, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, COMMENCING AT THE NE CORNER OF SAID SE 1/4; THENCE S00°53'03"W (ASSUMED BEARING) 136.93 FEET ON THE EAST LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF WEST CENTER ROAD; THENCE CONTINUING S00°53'03"W 895.00 FEET ON THE EAST LINE OF SAID SE 1/4; THENCE N33°10'25"W 285.00 FEET; THENCE N35°24'03"W 477.23 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.

LAND SURVEYOR'S CERTIFICATE

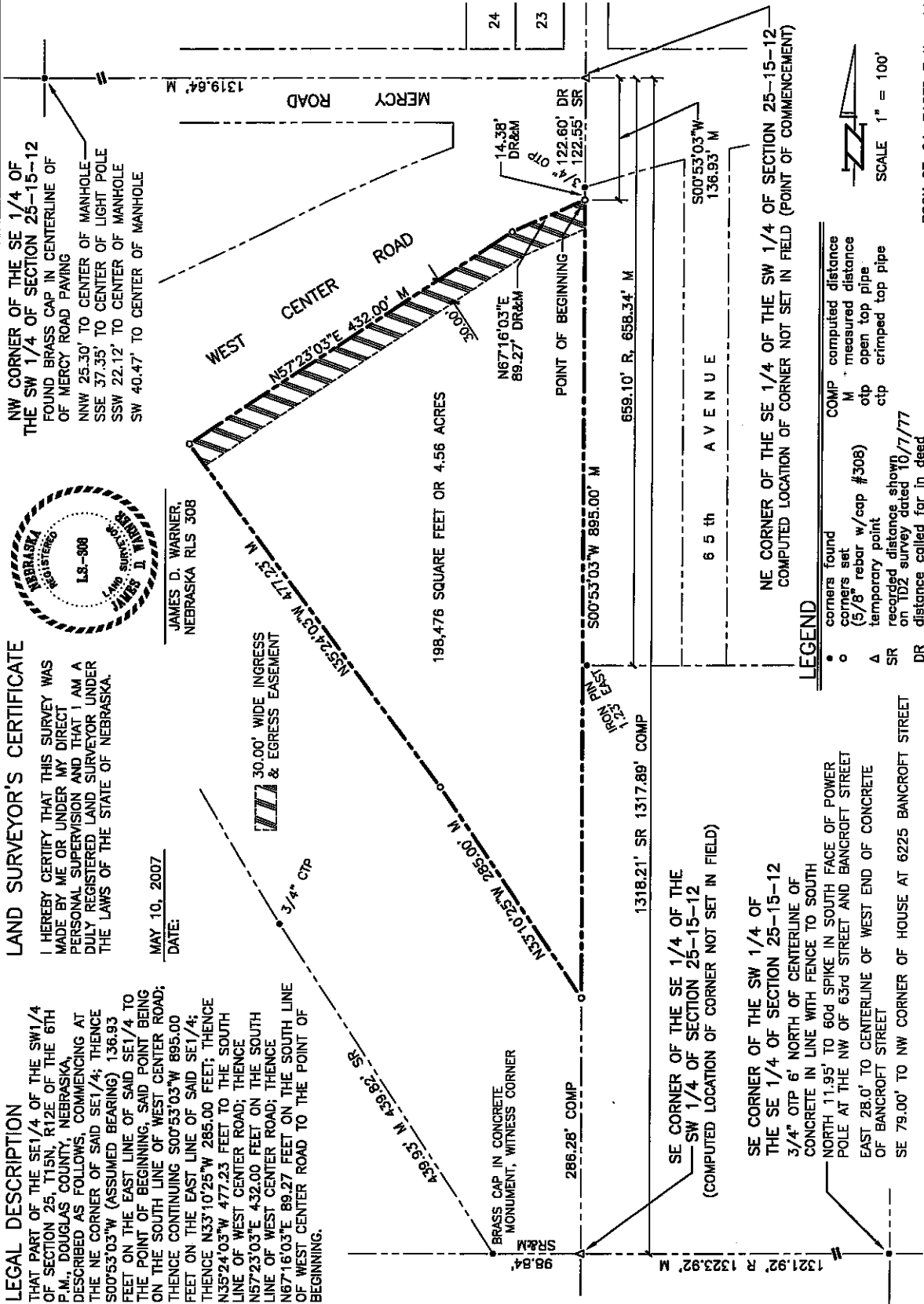
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

MAY 10, 2007
DATE:

JAMES D. WARNER,
NEBRASKA RLS 308



NW CORNER OF THE SE 1/4 OF THE SW 1/4 OF SECTION 25-15-12 FOUND BRASS CAP IN CENTERLINE OF MERCY ROAD PAVING
NNW 25.30' TO CENTER OF MANHOLE
SSE 37.35' TO CENTER OF LIGHT POLE
SSW 22.12' TO CENTER OF MANHOLE
SW 40.47' TO CENTER OF MANHOLE

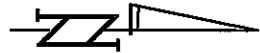


SURVEYOR'S CERTIFICATE

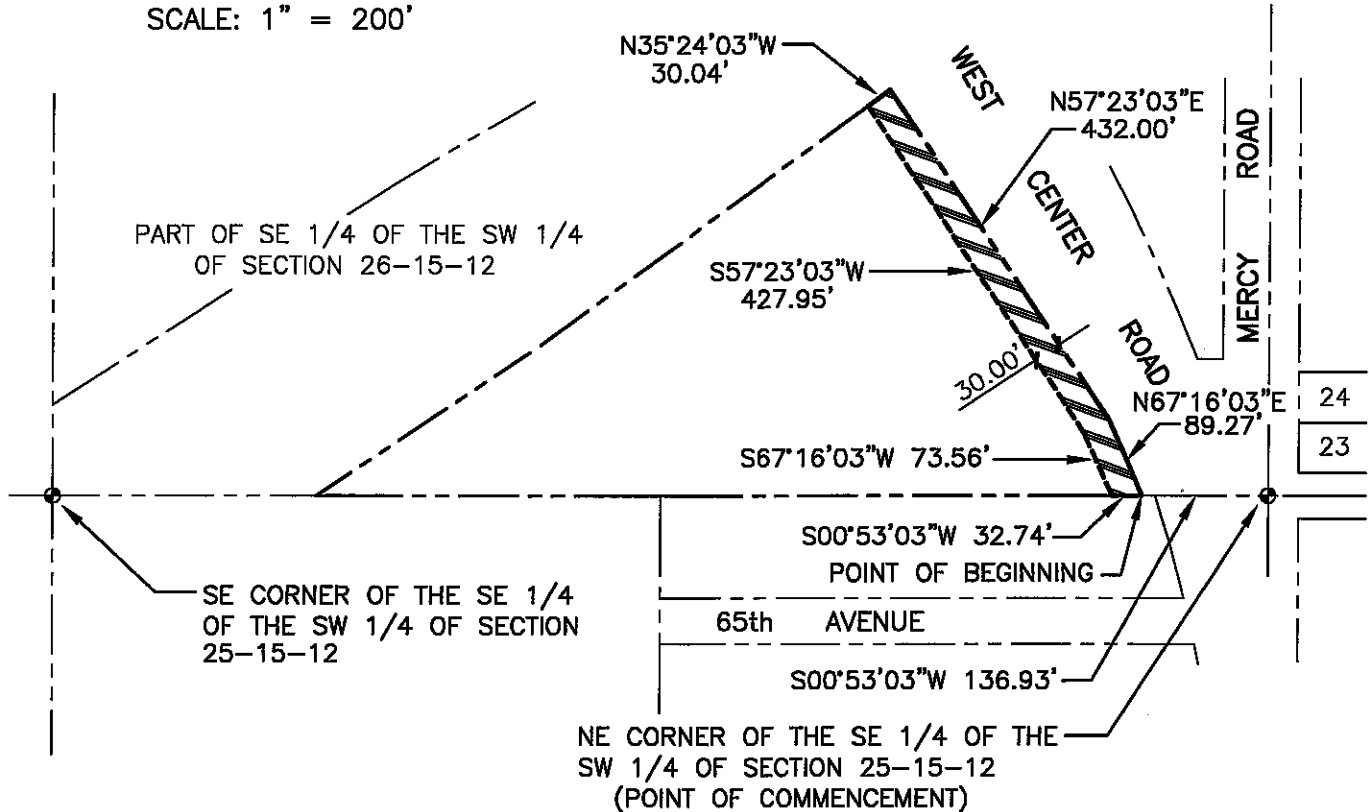
FRASER, STRYKER PC

SCALE: 1" = 100'
DATE: MAY 10, 2007
DRAWN BY: RJR
CHECKED BY: JDW
REVISIONS:

THOMPSON, DRESSSEN & DONNER, INC.
Consulting Engineers & Land Surveyors
10838 OLD MILL ROAD OMAHA, NEBRASKA 68154
EMAIL: TDONNER@TDCO.COM
WEBSITE: WWW.TDCO.COM
PHONE: 402.330.8880 FAX: 402.330.8886



SCALE: 1" = 200'



LEGAL DESCRIPTION

THAT PART OF THE SE1/4 OF THE SW1/4 OF SECTION 25, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, COMMENCING AT THE NE CORNER OF SAID SE1/4;

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"

FRASER, STRYKER PC

TD2 FILE NO.: 200348-30(EX)

DATE: MAY 10, 2007

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860