

Public Hearing
On
Proposed Right-of-Way Acquisition
Papio Creek Watershed Structure
W-3 Rehabilitation Project
Papio-Missouri River Natural Resources District
May 14, 2009
8:00 p.m.

AGENDA

1. Hearing Called to Order – Chairperson Jim Thompson
2. Appointment of Hearing Officer – General Manager, John Winkler
3. Evidence of Proof of Publication of Hearing Notice
4. Explanation of the Purpose of the Hearing – Paul Peters
5. Identification of Exhibits
6. Explanation of the Purpose and Scope of the Project – Martin Cleveland
7. Receive Testimony and Statements
8. Reception of Exhibits
9. Hearing Adjournment

NOTICE OF PUBLIC HEARING

Please take notice that on May 14, 2009, at 8:00 p.m. the Board of Directors of the Papio-Missouri River Natural Resources District will hold a public hearing on the Papio Creek Watershed Structure W-3 Rehabilitation Project ("the Project") in Washington County, Nebraska, and on the acquisition by the District of real property for the Project. Such hearing will be held at the principal offices of the District at 8901 South 154th Street, Omaha, Nebraska 68138-3621.

At the hearing, the District shall explain the nature and necessity for the Project, the reasons for selecting the particular location, 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. The District shall hear and consider any objections from any person.

**Papio-Missouri River Natural Resources District
Notice of Proposed Acquisitions and Notice of Public Hearing
Papio Creek Watershed Structure W-3 Rehabilitation Project**

NOTICE

The Papio-Missouri River Natural Resources District (hereinafter referred to as "the District") proposes to acquire certain easements (hereinafter referred to collectively as "the Easements") in, on, over and across certain tract(s) of real estate in Washington County, Nebraska (hereinafter referred to collectively as "the Property"), in Tax Lot 21 in S ½ of the SE ¼ of Section 27, T18N, R11E and SW ¼ of SW ¼ of Section 26, T18N, R11E, Washington County, Nebraska, as depicted in attached real property work map and incorporated herein by reference, which you own or in which you may have a right or interest.

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

The compensation to be offered for the Property will be the damages as appraised by licensed real estate appraisers, generally consisting of the fair market value of the Property, or the fair market value of the interest in or portion of the property acquired plus any difference between the fair market value of the remainder of the Property before and after the acquisition.

2. The authority for the acquisition:

The District's authority for the proposed acquisitions is contained 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 Easements proposed to be acquired will be used for the rehabilitation of Papio Creek Watershed Structure W-3.

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

The District proposes to acquire temporary and permanent easements to certain lands required for the Project, including the land upon which the Project improvements will be constructed, operated, and maintained.

5. The amount of property needed: The acreage amounts, set out in the legal description(s) attached to this Notice and incorporated herein by reference, are required for the aforesaid channel improvements.

6. The reasons for selecting the proposed location:

Structure improvements must be located on and adjacent to the existing structures that are being modified. A map showing the Property and the route of the aforesaid structure is attached hereto and incorporated herein by reference.

7. Approval required from other agencies:

None.

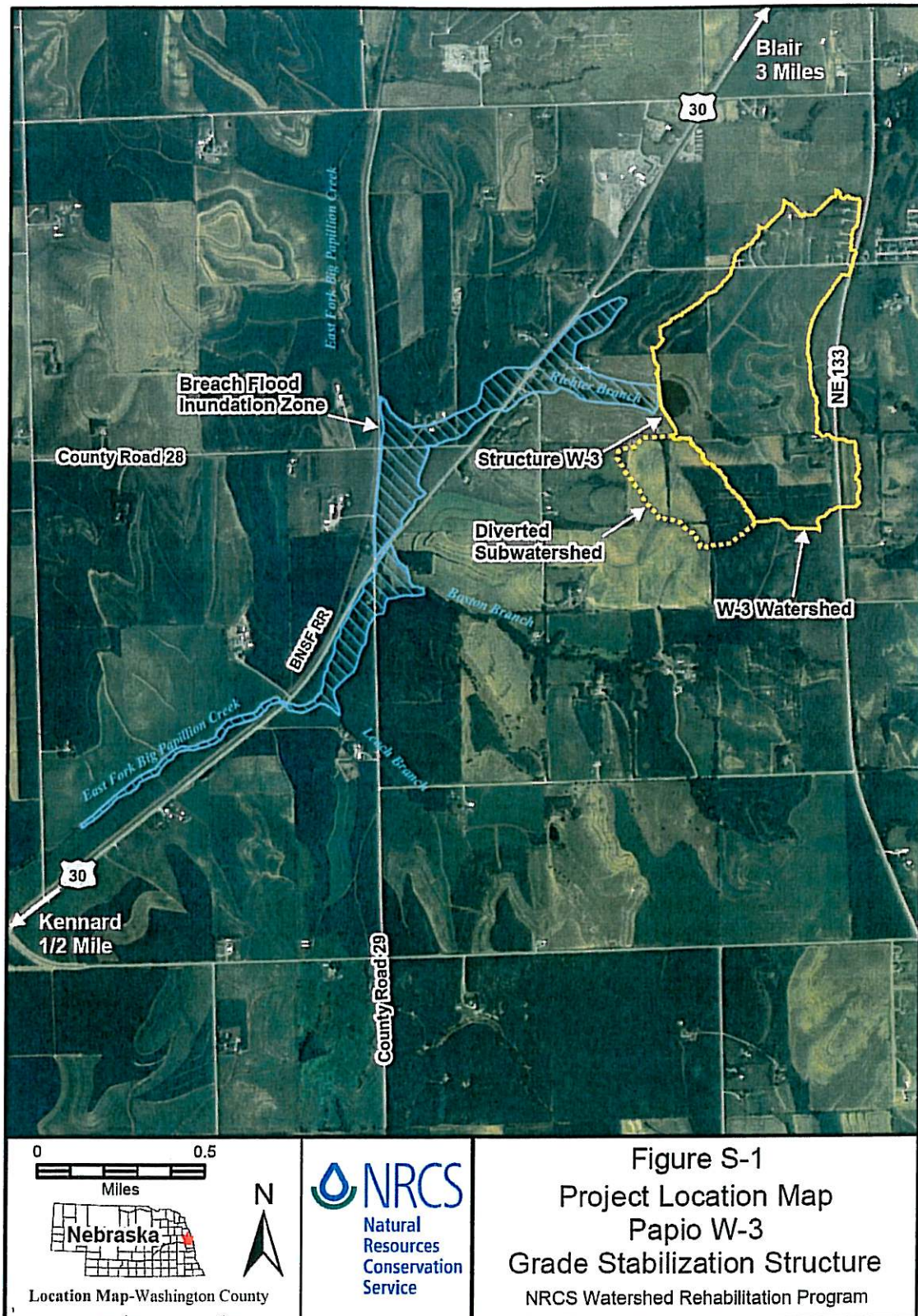


Figure S-1. Location map of Papio Structure W-3.

| TRACT NO. | LANDOWNER | ESTIMATED ACRES | | | | RIGHTS | |
|-----------|----------------------|--------------------------|-------------------|--------------|-------------|----------------|--------------------|
| | | DAM & AUXILIARY SPILLWAY | CONSERVATION POOL | R.O.W. AREA | TOTAL ACRES | ASSUMED NEEDED | MIN. TYPE DOCUMENT |
| 1 | John and Mary Camden | 5.75 ac. | 14.03 ac. * | 18.21 ac. ** | 37.99 ac. | ALL | Easement |
| 2 | O. Jeff Etch | 0 ac. | 0.18 ac. | 0.66 ac. *** | 0.84 ac. | k, l | Easement |

BASED ON AVAILABLE FIELD INFORMATION AND PRESENT DESIGN CRITERIA, THIS MAP REPRESENTS THE APPROXIMATE RIGHTS REQUIRED FOR CONSTRUCTION AND IS TO BE USED ONLY AS A TOOL IN SECURING THESE RIGHTS.

THE NAMES OF THE LANDOWNERS WERE OBTAINED USING THE WASHINGTON COUNTY PLAT MAP.

| UTILITIES AND ROADS |
|---------------------|
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| |
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| |
| |

The acquiring sponsoring agency will determine the type and location of utilities affected by the project by notifying the Nebraska One Call System.

The acquiring sponsoring agency will determine routes of ingress and egress required for installation and maintenance and acquire the necessary rights for such routes. The sponsor already has ingress and egress rights to access the original structure, so no additional rights may be required. It is anticipated that the ingress and egress route will follow the existing driveway on the North side of the channel.

* The sponsor intends on permanently maintaining the conservation pool at the drawdown elevation of 1231.0, which will result in a pool area of approximately 6.5 acres.

** Includes 4.27 acres of permanent easement, 3.34 acres of flood pool and 10.60 acres of temporary construction/parking. Note the 3.34 acres of flood pool will also be utilized as temporary construction/parking area during construction.

*** Includes 0.66 acres of flood pool.

MAP LEGEND

--- APPARENT/ASSUMED PROPERTY LINE



PERMANENT EASEMENT AREA



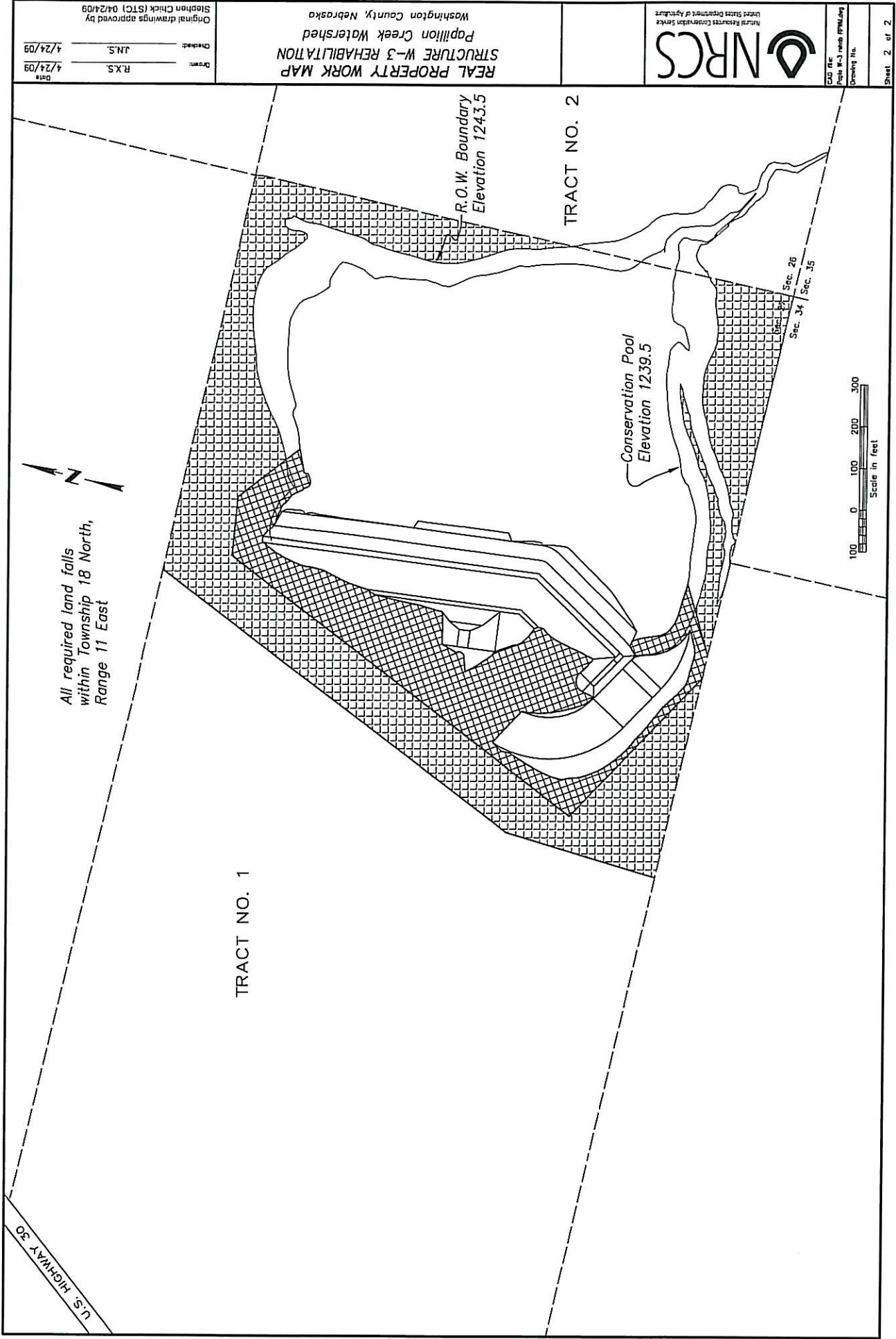
CONSTRUCTION/PARKING AREA

NOTE: Apparent/Assumed property lines were based on aerial photography and/or surveyed fence alignments.

NOTE: The elevations on this map use the NGVD 29 datum. The map was developed using the Nebraska State Plane coordinate system.

NOTE: R.O.W. Area includes the area between the Conservation Pool (Elevation 1239.5) and the Flood Pool (Elevation 1243.5), Temporary Construction/Parking Area and Permanent Easement Area surrounding the structure.

| INDEX | |
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| g) INSPECTION | |
| h) ESTAB. OF VEG. | |
| i) DAM AND SPILLWAY | |
| j) SPILLWAY FLOWAGE | |
| k) PERM FLOODING | |
| l) TEMP. FLOODING | |
| m) OPERATION AND MAINT. | |



Original drawings approved by
Stephen Chick (STC) 04/24/09

Drawn: J.N.S. 4/24/09
R.X.S. 4/24/09

REAL PROPERTY WORK MAP
STRUCTURE W-3 REHABILITATION
Papillion Creek Watershed
Washington County, Nebraska

NRCS
Natural Resources Conservation Service
United States Department of Agriculture

Sheet 2 of 2

Drawn by: J.N.S.
Checked by: R.X.S.
Date: 4/24/09

MEMORANDUM

TO:

FROM: Martin P. Cleveland

SUBJECT: Papio Creek Watershed Structure W-3
Rehabilitation Project Land Rights Summary

DATE: April 30, 2009

The referenced project was built in 1983 on property owned by James Christensen and Grace Bennett. Those properties are now owned by John and Mary Camden and O. Jeff Eich.

The Natural Resources Conservation Service (NRCS) has evaluated the referenced site for rehabilitation as a result of high hazard situation (the dam was designed as a low hazard dam but due to potential downstream impacts it is currently a high hazard structure and doesn't meet the required criteria). The following information is a general land rights summary:

1. Existing Permanent Easement

| | | |
|----|----------------------|-------------|
| a. | John and Mary Camden | 17.26 acres |
| b. | O. Jeff Eich | 0.64 acres |

2. Proposed Additional Permanent and Temporary Easements (Estimate from attached NRCS Real Property Work Map).

a. John and Mary Camden
Permanent (Dam, pool, auxiliary spillway) Easement
= 10.13 acres

Temporary (Construction) Easement
= 10.60 acres *
TOTAL: 20.73 acres

*Temporary Construction Ingress/Egress was not estimated by NRCS, but it will be an additional 1.0 acres.

b. O. Jeff Eich
Permanent (pool) = 0.20 acres
Temporary = None
TOTAL 0.20 acres