

**Finance, Expenditure & Legal
Subcommittee Meeting
October 10, 2006
8:00 p.m.
Agenda**

Finance, Expenditure & Legal Subcommittee Members:

Dick Connealy, Chairperson
Tim Fowler, Vice-Chairperson
John Conley
Dorothy Lanphier
Richard Patterson

Alternate Members: John Schwope
Rich Tesar

Staff Liaison: Jim Becic *
Jerry Herbster
Jack Lawless
Trent Heiser

1. Meeting Called to Order – Chairperson Connealy
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson Connealy
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on MoPac Trail (Hwy 50 to Lied Bridge) Right of Way Acquisition – Citta Parcels [*Executive Session, if needed*] – Gerry Bowen and Chris Pawloski, Midwest Right of Way
7. Review and Recommendation on Missouri River Trail –Phase 2 (Ponca Road to Washington County Line) Right of Way Acquisition – Peppard Tract [*Executive Session, if needed*] – Jim Becic and Chris Pawloski, Midwest Right of Way
8. Review and Recommendation on Purchase Agreements for Floodway Properties [*Executive Session, if needed*] – Paul Woodward
 - a. Lots 37 and 38, Q Street Acres, Douglas County, Nebraska
 - b. Lot 32, Beacon View, Sarpy County, Nebraska
9. Adjourn

Confidential

Memorandum

To: Finance, Expenditure and Legal Subcommittee

Subject: Mopac Trail (Hwy. 50 to Lied) Right-of-way – Citta Parcels

Date: October 2, 2006

By: Gerry Bowen

The Mopac Trail (Hwy 50 to Lied) will connect the District's two parking lots along Highway 31 between Highway 50 and the Lied Bridge. Parcels owned by Frank Citta involve one acquisition parcel (CI-A), 10 permanent easement parcels (CIB-H, & CI-M-O), and 3 temporary easement parcels (CII-K). The parcels involve a total of 3.32 acres (1.27 acres acquisition; 0.59 acres permanent easements; and, 1.46 acres temporary easements.) The appraised value of the parcels is \$12,090.

Mr. Citta has agreed to accept the appraised value as compensation for the right-of-way (see attached purchase agreement).

Management recommends that the Subcommittee recommend to the Board that the Acting General Manager be authorized to execute a purchase agreement with Frank Citta to acquire the right-of-way for the Mopac Trail (Hwy. 50 to Lied Bridge) Project.

Confidential

Agenda Item: 7

**Review and Recommendation on Missouri River Trail – Phase 2
(Ponca Road to Washington County Line) Right of Way Acquisition
– Peppard Tract – Memo will be posted as soon as available.**

CONFIDENTIAL

Memorandum

To: Finance, Expenditures, and Legal Subcommittee

From: Paul Woodward, Water Resources Engineer

Date: September 7, 2006

Re: Floodway Property Purchase at 67th and T Street in Omaha, NE

The District has received a request to consider the purchase of the property located at 6723 T Street in Omaha, NE (Lot 38 and part of Lot 37 in Q Street Acres). According to the Flood Insurance Rate Map for Sarpy County, Panel 31153C 0334 H, effective December 2, 2005, the property is located in a Zone AE floodway of the Big Papillion Creek.

Following this request, the District hired Valuation Services to perform an appraisal of the property currently owner by Mr. Berghahn. In Mr. Kevin S. Kroger's opinion, the market value of the entire property as of June 24, 2006 was \$186,000. Based on this opinion, District staff and legal counsel worked with Parkway Properties LLC, who has an existing purchase agreement for the property, to develop the enclosed assignment which will give the District the right to purchase the floodway portion of the property for our appraised value. In all, the District would be agreeing to purchase 1.55 acres for \$153,510.58.

Parkway Properties LLC has accepted this proposal and is agreeing to purchase the remaining 0.33 acres from Mr. Berghahn for the remaining difference between their original Purchase Agreement and what the District is agreeing to pay. In addition, they are agreeing to grant the NRD permanent access easements along Ralston Creek and across their existing property in order to maintain the subject property.

Management recommends that the Subcommittee recommend to the Board that the Acting General Manager be authorized to execute the enclosed Partial Assignment of Purchase Agreement with Parkway Properties LLC to obtain 1.55 acres from Mr. Berghahn for the purchase price of \$153,510.58, subject to changes deemed necessary by the Acting General Manager and approval as to form by District Legal Counsel.

CONFIDENTIAL

CONFIDENTIAL

Memorandum

To: Finance, Expenditures, and Legal Subcommittee

Re: Floodway Property Purchase at Beacon View

Date: September 7, 2006

From: Paul Woodward, Water Resources Engineer

The District has received a request to consider the purchase of the property located at 17111 Middle Lane (Lot 32 in Beacon View, Sarpy County, NE). According to the Flood Insurance Rate Map for Sarpy County, Panel 31153C 0150 G effective December 2, 2005, the property is located in a Zone AE floodway of the Platte River.

Following this request, the District hired Ag One Appraisal to perform an appraisal of the 0.36 acre property leased by Mr. David Buelt. In Mr. Kenneth L. Beckstrom's opinion, the market value of the leasehold interest and improvements as of April 21, 2006 was \$60,000. After receiving this report, District staff and legal council prepared a leasehold purchase agreement and obtained a title search for this property.

Mr. Buelt (seller) has accepted the offered purchase price, but requested that the District also investigate the potential of building a new cabin on Lot 12 in Beacon View. In response to this request, the District retained Thompson, Dreessen & Dorner to evaluate the buildable area on the lot given floodway, septic and well restrictions. This evaluation yielded a buildable area acceptable to the seller.

In summary, the current lessee of Lot 32 Beacon View has agreed to sell the structure and all interest in the property to the District for the appraised value of \$60,000. Prior to executing this agreement, the District will need a permanent easement or restriction from the landowner, Beacon View, Inc, preventing any future improvements to the property.

Management recommends that the Subcommittee recommend to the Board that the Acting General Manager be authorized to execute the enclosed Leasehold Purchase Agreement with David L. Buelt for the purchase price of \$60,000 to acquire Lot 32 in Beacon View, provided a permanent easement restricting any future improvements to the property is obtained from Beacon View, Inc, all subject to changes deemed necessary by the Acting General Manager and approval as to form by District Legal Counsel.

CONFIDENTIAL