

**Finance, Expenditure & Legal
Subcommittee Meeting
October 12, 2010
6:30 p.m.
Agenda**

Finance, Expenditure & Legal Subcommittee Members:

Rich Tesar, Chairperson
Jim Thompson, Vice-Chairperson
Larry Bradley
John Conley
Dorothy Lanphier

Alternate Members: Fred Conley
Rick Kolowski

Staff Liaison: Jim Becic
Jerry Herbster
Carey Fry
Brian Henkel *
Lori Laster

1. Meeting Called to Order – Chairperson Tesar
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson Tesar
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Western Sarpy Levee/Vencil's Island Reciprocal Permanent Easement Agreement with Winter Quarters Joint Venture – Marlin Cleveland
7. Adjourn

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

FROM: Martin P. Cleveland, Construction Engineer

SUBJECT: Western Sarpy Flood Reduction (Levee) Project - Vencil's Island Area – Reciprocal Permanent Easement Agreement and Quit Claim Deed

DATE: October 1, 2010

The District owns a portion (420 acres) of Vencil's Island (southern tip) that was acquired to serve as one of the project conservation measure (mitigation for flood reduction project) areas. This site will be used to construct river chutes (Platte to Platte and Platte to Elkhorn), wetland meadows and wildlife habitat (grassland).

It was recently discovered that a portion of the Vencil's Island access road into the District's property crosses a neighbor's property, (Winter Quarters Joint Venture, a partnership). In addition, the Winter Quarters property access road is on District property for a short distance.

The District and Winter Quarters access roads have been in their respective locations for many years (e.g. at least since 1979) and existed prior to the District purchase of the Vencil's Island parcel from the Glasshoff's in 2002.

District staff have met with Winter Quarters Joint Venture partnership members and it was concluded that it made sense to enter into a Reciprocal Permanent Easement Agreement to allow them to continue to use their access road across District property (0.81 acres) and for the District to be allowed to continue to use its access road on Winter Quarters property (0.99 acres), instead of building new roads through treed areas. This would save construction costs for both parties. Enclosed is a proposed agreement and Quit Claim Deeds. The Quit Claim Deeds are being used to extinguish any possible right to either property by the Adjacent land owner and provide a clean slate for the issuance of an easement.

- **It is Management's recommendation that the Subcommittee recommend to the Board that the General Manager be authorized to execute the Reciprocal Permanent Easement Agreement and Quit Claim Deed with Winter Quarters Joint Venture for the Western Sarpy-Clear Creek Levee Project, subject to form as approved by Legal Counsel.**