

## **MEMORANDUM**

**TO: Programs, Projects and Operations Subcommittee**

**FROM: Martin P. Cleveland**

**SUBJECT: Papio Creek Watershed Structures S-27, S-31 and S-32  
Rehabilitation Project Appraisal and ROW Negotiation Services  
Proposals**

**DATE: September 7, 2006**

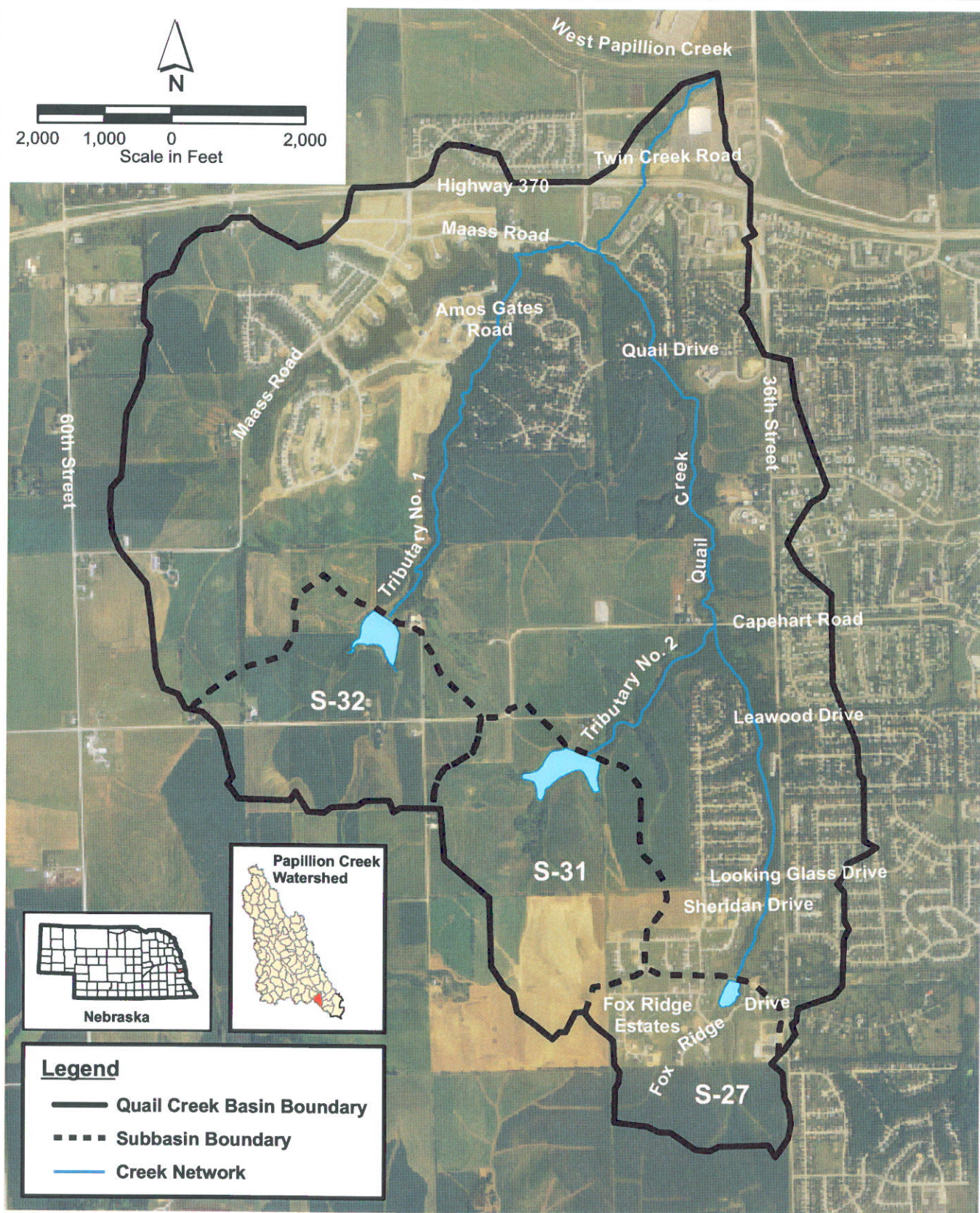
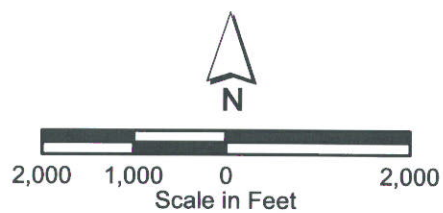
---

At the July 11, 2006 Subcommittee meeting, a project update memo was discussed with the Subcommittee. This memo indicated that right-of-way ROW acquisition activities (prepare legal descriptions, conduct title searches, acquire ROW appraisals and negotiate ROW) was planned to be completed by September 30, 2006. Legal Descriptions and title searches have been completed. Appraisals and ROW negotiation need to be completed.

Attached are proposals for appraisal preparation by Thomas E. Stevens and Associates and right-of-way negotiation by Midwest Right-of-Way Services, Inc. In accordance with District policy, these proposals need to be reviewed and approved by the Board of Directors, as the contract amounts exceed \$20,000. These contracts will be credited by the Natural Resources Conservation Service towards the District's 35% share of the project construction cost along with other ROW expenses, such as easement payments.

**Management recommends that the Subcommittee recommend to the Board that the Acting General Manager be authorized to execute proposed contracts with Thomas E. Stevens and Associates with a maximum cost of \$20,700 and Midwest ROW Services, Inc. with a maximum cost of \$22,800, subject to changes deemed necessary by the Acting General Manager and approved as to form by District Legal Counsel.**





Source: Farm Service Agency, 2003 (Aerial Photography)



## Project Map Quail Creek Basin

Papio Creek Watershed Structures S-27, S-31, and S-32  
NRCS Watershed Rehabilitation Program

DATE

July 2005

EXHIBIT

S-1





PARCEL NUMBER	OWNER OF RECORD	PERMANENT EASEMENT, ACRES EXISTING	PROPOSED	TEMPORARY CONSTRUCTION EASEMENT, ACRES
011339675		0.000 **	0.673	0.0
011303972		0.056 **	0.012	0.0
011304006		5.387 **	5.443	4.0
011303530		0.000 **	0.022	0.0
011304014		0.022 **	0.123	0.0
011303476		0.026 **	0.000	0.0
011303468		0.109 **	0.032	0.0
011216085		0.000 **	0.849	0.0
TOTAL		5.602 **	7.154	

\*\* Based on Easement Limits as described in Existing Metes and Bounds Description



Source: 2004 Aerial Photography Obtained from MAPA

LAND RIGHTS MAP (DRAFT)

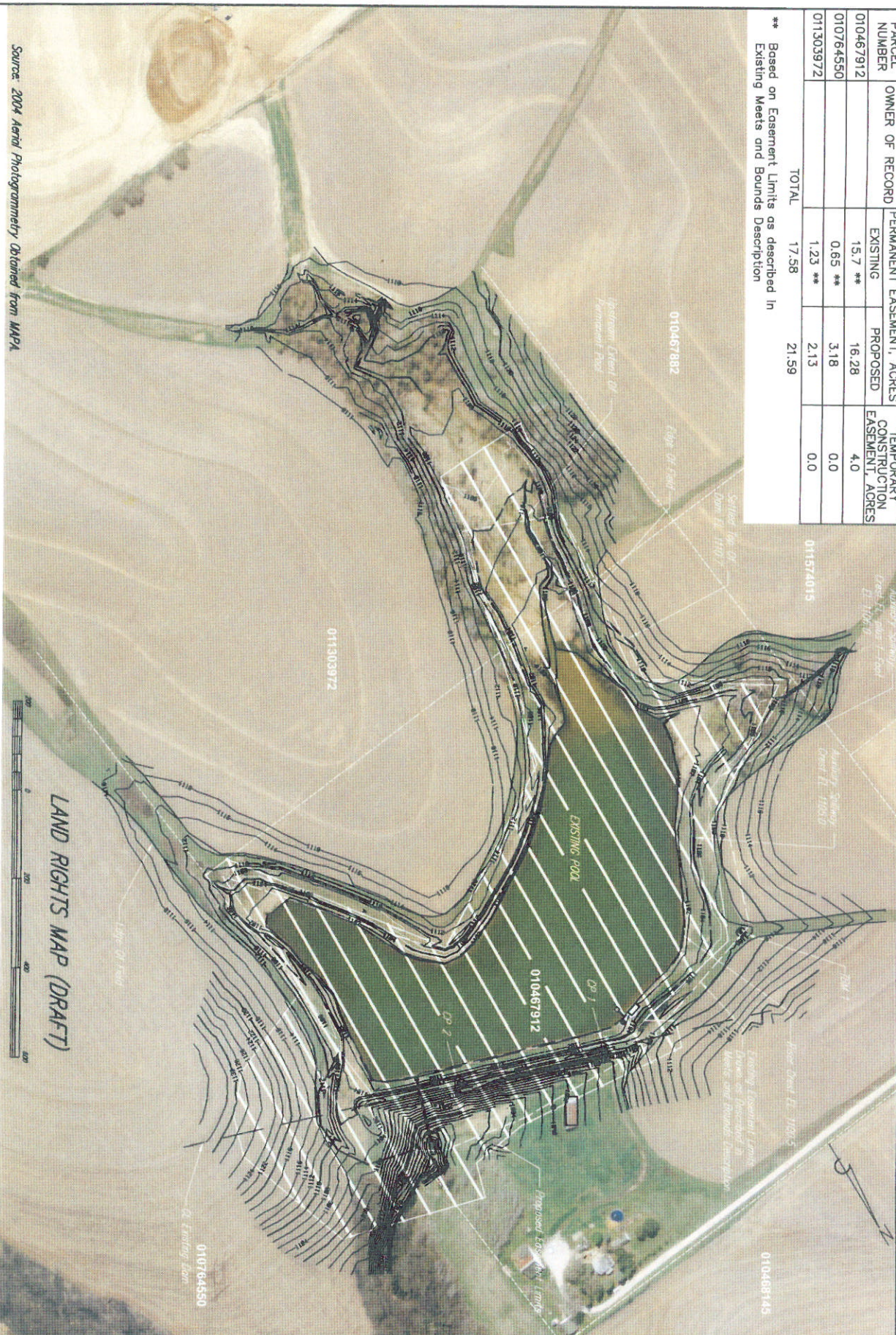
 Natural Resources Conservation Service	 HDR Engineering, Inc.	<b>STRUCTURE S-27 REHABILITATION</b> <b>PAPILLION CREEK WATERSHED</b> SARPY COUNTY, NEBRASKA		Date _____
		Designed	JWC	_____
		Drawn	RDO	_____
		Checked	PCS	_____
Approved _____				_____

Sheet 1 of 1



PARCEL NUMBER	OWNER OF RECORD	PERMANENT EASEMENT, ACRES		TEMPORARY CONSTRUCTION EASEMENT, ACRES
		EXISTING	PROPOSED	
010467912		15.7 **	16.28	4.0
010764550		0.65 **	3.18	0.0
011303972		1.23 **	2.13	0.0
TOTAL		17.58	21.59	

\*\* Based on Easement Limits as described in Existing Meets and Bounds Description



Source: 2004 Aerial Photography Obtained from MAPA

LAND RIGHTS MAP (DRAFT)

Sheet 1 of 1



STRUCTURE S-31 REHABILITATION  
PAPILLION CREEK WATERSHED  
SARPY COUNTY, NEBRASKA

Date \_\_\_\_\_  
Designed \_\_\_\_\_ JWC  
Drawn \_\_\_\_\_ RDO  
Checked \_\_\_\_\_ PCS  
Approved \_\_\_\_\_



PARCEL NUMBER	OWNER OF RECORD	PERMANENT EASEMENT, ACRES		TEMPORARY CONSTRUCTION EASEMENT, ACRES
		EXISTING	PROPOSED	
011574007		0.63 *	0.91	0.0
011574008		3.14 *	3.39	0.0
010603862		1.65 *	2.17	0.0
011077107		3.61 **	3.91	0.0
011077115		9.12 **	5.19	4.0
TOTAL		18.15	15.57	

\* Based on Auxiliary Spillway Elevation of Existing Structure  
 Drawn to 2005 Survey Contours  
 \*\* Based on Easement Limits as described in Existing Meets and Bounds Description



Source: 2004 Aerial Photography Obtained from MAPA

LAND RIGHTS MAP (DRAFT)

Sheet 1 of 1



STRUCTURE S-32 REHABILITATION  
 PAPILLION CREEK WATERSHED  
 SARPY COUNTY, NEBRASKA

Designed	JHC	Date	
Drawn	RDO		
Checked	PCS		
Approved			



THOMAS E. STEVENS & ASSOCIATES

1011 South 78<sup>th</sup> Street, Omaha, Nebraska 68114

Telephone (402) 397-2280

Fax (402) 397-2080

September 6, 2006

Mr. Marlin Petermann  
Acting General Manager  
Papio-Missouri River Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138-3621

RE: Appraisal Proposal for Tracts Involved with  
Dam Sites 27, 31, and 32 in Sarpy County, Nebraska

Dear Mr. Petermann:

Referring to information provided and the need for appraisals of the above captioned dam sites, I am submitting a proposal for appraisal services on properties in connection with the above-captioned projects. There are a variety of properties, including larger and smaller potential development properties, with some having floodplain issues, residential improved single-family lots, and residential acreage improved properties. The various properties in the project vary considerably in size.

It is my intention to prepare a project report, which will contain area information, comparable land sales (smaller and larger development land sales, acreage land sales, and lot sales) and definitions, references, property rights appraised, floodplain information, highest and best use analysis, zoning, utilities available, and other pertinent information necessary for the valuation of the various properties. The project report is designed to be used in conjunction with the individual tract reports. I will be appraising land only; improvements (residences, outbuildings, etc.) will not be appraised as part of the form appraisals.

The individual tract appraisal form reports will be limited to the valuation of land only. The report to be used is the "Short Form" Appraisal. This appraisal form report is approved by the State of Nebraska Department of Roads and used by various governmental agencies.

Mr. Marlin Petermann  
Papio-Missouri River Natural Resources District  
Page -2-

As indicated, the individual tract appraisal form report will be a brief, limited report with attachments. The appraisals will be used for negotiation purposes, and for presentation before the Sarpy County Board of Appraisers, if condemnation action is necessary. If any of the property owners appeal the offer for the acquisitions (permanent easements and/or temporary construction easements) to District Court after the Sarpy County Board of Appraisers award, a more complete, comprehensive report (before and after including improvements valuation, if applicable) on the property(ies) will be necessary for District Court, and an additional fee will be negotiated and charged.

It appears that very limited landscaping (shrubbery bushes, trees, lawn area, etc.) may be removed or damaged due to the construction on several of the tracts. In addition, fencing may have to be relocated on some of the tracts. Appraisals will reflect replacement and/or reinstallation cost for such items as trees, shrubs, bushes, lawn, etc., if applicable. Fencing relocation, if necessary, will be removed and reinstalled by the construction contractor for the three dam sites after completion of construction.

Supplemental appraisals and/or an addendum to appraisals such as corrections to the original appraisals, requiring a review and revamping of original facts, caused by redesign, etc., or for updating appraisals, shall be paid for by an additional fee to be agreed upon.

Time spent on pre-condemnation work and time spent for the actual date of condemnation hearing proceedings, including payments for time spent on conferences held with attorneys, consultation fees, court testimony, court hearing, court preparation, site inspections, appraisal review, appraisal updates, and witness fees for appearances in court, shall be paid for by an additional agreed upon fee based on an hourly rate.

It is my intention to send out letters to all of the owners affected by these dam sites, explaining that a permanent easement and/or temporary construction easement will be necessary on their property. It is my intention to arrange a meeting with the property owner or his representative, if at all possible.

For the appraisals, I am requesting a plat map on individual tracts (properties) indicating areas for the permanent easement and/or temporary construction easement, taking, along with legal descriptions. In addition, I am asking for a breakdown in the areas between usable and unusable land for the permanent easement and/or temporary construction easement and also a separation for land areas for the remaining usable land separated between floodway, floodplain and out of floodplain land areas. It is my understanding that a copy of the current title searches for each property will be provided.

My professional appraisal services are on the basis of \$150 per hour or \$1,200 for an eight hour day.

Mr. Marlin Petermann  
Papio-Missouri River Natural Resources District  
Page -3-

The following are my fees for appraisal services for the various tracts involved in this project:

Tract No.	Owner	Use of Property	Acquisition Type	Appraisal Fee	
<b>Dam Site 27</b>					
2	Fornoff	Residential Acreage	PE & TE	\$1,850	
4	Winterscheid	Single Family Residence	PE & TE	\$800	
5	Hynes	Single Family Residence	PE & TE	\$800	
7	Nowak	Single Family Residence	PE & TE	\$800	
	Subtotal				\$4,250
<b>Dam Site 31</b>					
1	Syas	Development Land (Acreage)	PE & TE	\$1,850	
2	Moore	Development Land	PE & TE	\$1,850	
3	Miller	Development Land	PE & TE	\$1,850	
	Subtotal				\$5,550
<b>Dam Site 32</b>					
2	Dietz	Development Land	PE & TE	\$1,850	
3	Dobbs	Development Land	PE & TE	\$1,850	
4	Moore	Development Land	PE	\$1,850	
5	Dittus	Development Land	PE & TE	\$1,850	
	Subtotal				\$7,400
	Project Report				\$3,500
	Grand Total				\$20,700

\* PE = Permanent Easement; TE = Temporary Construction Easement

The appraisals for the tracts above will be short forms appraisals, as described earlier. I will expect that a payment schedule will be set up to receive payment periodically as percentages of the contract and/or professional services are completed.

My time schedule for this project will be sixty (60) days to complete the appraisals after receiving authorization to proceed.



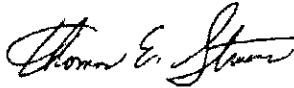
Mr. Marlin Petermann  
Papio-Missouri River Natural Resources District  
Page -4-

Thank you for allowing me to offer a proposal for my company's appraisal services. If you have any questions regarding my fees for appraisals or time schedule, please contact me.

Enclosed is a copy of this letter; if you wish to accept this proposal, please sign it and return it to me as your acceptance and confirmation of my employment.

Submitted for Acceptance By:

Accepted By:



Thomas E. Stevens, MAI  
Thomas E. Stevens & Associates  
1011 South 78<sup>th</sup> Street  
Omaha, NE 68114-5410

Marlin Petermann, Acting General Manager  
Papio-Missouri River Natural Resource District  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138-3621

Date Submitted:

Date Accepted:

September 6, 2006

---



# MIDWEST

Right of Way Services, Inc.

---

August 23, 2006

RE: Proposal for Right of Way Services  
Papio-Missouri River Natural Resources District  
Sarpy County Dam Rehabilitation Project

Mr. Martin Cleveland  
Project Manager  
Papio-Missouri River Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska 68118-3621

Dear Mr. Cleveland:

Midwest Right of Way Services, Inc. is pleased to provide this proposal for right of way services for the above-referenced project in Sarpy County, Nebraska.

## ***Consultant and Key Personnel***

***Consultant -*** Midwest Right of Way Services, Inc.  
13425 "A" Street  
Omaha, Nebraska 68144  
(402) 955-2900

***Key Personnel -*** Jack Borgmeyer, President  
Chris Pawloski, Project Manager

## ***Project Understanding***

This project involves the negotiation for acquisition of permanent easements from thirteen property owners. Three existing dam sites in Sarpy County are in need of rehabilitation and will require additional easement area to protect the surrounding properties. The properties involved are agricultural and residential.



Mr. Martin Cleveland

August 23, 2006

Page 2

### ***Work Plan/Approach***

The following tasks will accomplish the project according to the intent of the Papio-Missouri River Natural Resources District.

### ***Project Management***

This task will involve coordination of all project elements so that work is initiated as it should be, appropriate progress is made, and schedules are met. A project meeting involving the right of way project manager and the Papio-Missouri River Natural Resources District will be the project's first activity. Coordination and scheduling of the acquisition and payment process, as well as the preparation of scheduled progress reports for the NRD, will be the responsibility of the right of way project manager. Periodic progress meetings may be required throughout the acquisition process.

### ***Appraisals***

Appraisals of the property will be completed to estimate just compensation for the easements to be acquired. The independent fee appraiser will be hired directly by the Papio-Missouri River Natural Resources District. The appraisal will be approved by the NRD. Copies of the appraisal reports will be forwarded to Midwest Right of Way Services by the NRD for use in our tract files.

### ***Acquisition***

The first step in the acquisition process is to review the title search and the appraisal report for the property. The necessary purchase documents will be prepared by the NRD's attorney and forwarded electronically to Midwest Right of Way Services, Inc. After the documents have been prepared and reviewed, an offer will be made to the property owner in writing. Each visit will be documented on a call report and kept in the parcel file.

If necessary, a recommendation for a negotiated settlement will be made to the NRD. When an agreement is reached, we will obtain the necessary signatures of all interested parties. Our goal will be to acquire the necessary right of way through amicable negotiations. If condemnation is required, we will work with the NRD and its attorney to file the necessary documents and be available to assist with condemnation preparation or court testimony.



Mr. Martin Cleveland

August 23, 2006

Page 3

### ***Team Members***

*Jack Borgmeyer, President*, will be responsible for the execution of the project. He will implement a quality control program to ensure that all facets of the project receive quality control reviews, and that each member of Midwest Right of Way Services is responsible for quality of the services they provide. Borgmeyer has over 25 years of experience relating to real estate and right of way.

*Chris Pawloski, Project Manager and Right of Way Agent*, will be responsible for right of way project management. He will submit the periodic progress reports to the NRD as scheduled and be available for acquisition negotiations if necessary. In addition, he will review the completed tract files before submittal for payment. Pawloski has over seven years experience in real estate, right of way acquisition and relocation assistance.

*Doris Theil, Right of Way Agent*, will perform acquisition services as needed. In addition, she will assist Pawloski in the review of titles, appraisals and contract documents. Theil has over fifteen years experience relating to government, real estate, appraisal, right of way acquisition, and relocation assistance.

*Tami Davis*, under the direction of Pawloski, will prepare all required files for acquisition. She has extensive experience with right of way documents and procedures. She also provides support for the acquisition and relocation agents, as well as office management.

Mr. Martin Cleveland  
August 23, 2006  
Page 4

### ***Payment for Services***

Midwest Right of Way Services proposes the right of way services detailed above for the following hourly fees:

	<b>Hourly Salary <u>Rates</u></b>
Project Manager	\$80.00
Right of Way Agent	\$68.00

The maximum fees for each task will be as follows:

<b><u>Task</u></b>	<b><u>Maximum Fee</u></b>
Project Management	\$2,000.00
Acquisition of easements (per tract)	1,600.00
Condemnation	Court testimony and consultation to be billed at our standard hourly salary rate plus expenses, if needed.

The maximum fee for the project, which includes acquisition negotiations with 13 property owners, is **\$22,800.00**.

Hourly fees will be billed at our standard hourly rate plus expenses. If additional work or meetings are requested beyond the scope indicated in this proposal, we will contact you to discuss revising the contract amount before the additional work is started. Invoices will be sent on an approximate monthly basis for services rendered.



Mr. Martin Cleveland  
August 23, 2006  
Page 5

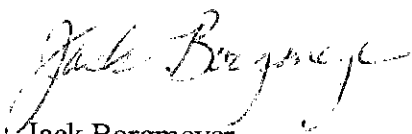
### ***Summary***

We believe this proposal demonstrates our understanding of the project and the right of way acquisition and relocation process. We understand the importance of acquiring these property rights expeditiously and in a positive manner which results in fair treatment for both the property owner and the Papio-Missouri River Natural Resources District.

If the above described items are satisfactory to you, please sign and date the original and duplicate original of this letter in the space provided. Keep one executed copy of this letter for your files and return the duplicated copy to us for our files. Receipt of this letter contract will be considered our formal notice to proceed with the work.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.



Jack Borgmeyer  
President

### **ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED**

\_\_\_\_\_  
Authorized Representative  
Papio-Missouri River Natural Resources District

Date: \_\_\_\_\_