

**CITY OF PAPIILLION
MAYOR AND CITY COUNCIL REPORT
MARCH 7, 2023 AGENDA**

Subject:	Type:	Submitted By:
Resolution to approve the dedication of right-of-way by the Papio-Missouri River Natural Resources District of Cornhusker Rd adjacent to Big Elk Recreation Area	Resolution #R23-0033	Michael Kleffner Public Works Director

SYNOPSIS

This Resolution would approve the attached Dedication for Street Right-of-Way Purposes from the Papio-Missouri River Natural Resources District regarding Cornhusker Road adjacent to Big Elk Recreation Area.

BACKGROUND

On November 20, 2018, the City and the NRD signed an Interlocal Agreement providing for the joint improvement of regional flood control projects and recreation facilities located at the Portal and Big Elk Recreation Areas. On April 23, 2020, the County signed the Agreement.

The Interlocal Agreement provides for land transfers among the parties regarding the Areas and surrounding properties. The attached Dedication for Street Right-of-Way Purposes accomplishes one of those transfers, being the NRD's dedication of a 50-foot-wide strip for half of the Cornhusker Road right-of-way adjacent to Big Elk Recreation Area. Another 50-foot-wide strip had been previously dedicated for the other half of Cornhusker Road.

FISCAL IMPACT

There is no cost to the City for the Dedication. The Dedication will merely complete the full 100-foot width of Cornhusker Road right-of-way at this location.

RECOMMENDATION

Approval.

ATTACHMENTS:

Dedication for Street Right-of-Way Purposes

RESOLUTION NO. R23-0033

WHEREAS, the Papio-Missouri River Natural Resources District (“NRD”) is required to transfer certain portions of Portal and Big Elk Recreation Areas to the City of Papillion pursuant to an April 20, 2020, Interlocal Agreement between those parties; and

WHEREAS, as part of those transfers the NRD is required to dedicate right-of-way for Cornhusker Road adjacent to Big Elk Recreation Area; and

WHEREAS, the NRD proposes to dedicate such right-of-way for Cornhusker Road through its execution of the attached instrument titled “Dedication for Street Right-of-Way Purposes,” and the City proposes to approve such Dedication.

THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Papillion that the dedication by the Papio-Missouri River Natural Resources District of Cornhusker Road for street right-of-way purposes pursuant to the attached Dedication for Street Right-of-Way Purposes is hereby approved.

BE IT FURTHER RESOLVED, the Mayor and City Clerk is hereby authorized to sign and execute the necessary documents to facilitate the dedication of Cornhusker Road to the public for street right-of-way purposes by the Papio-Missouri River Natural Resources District.

PASSED AND APPROVED THIS _____ DAY OF _____, 20__.

CITY OF PAPIILLION, NEBRASKA

David P. Black, Mayor

Attest:

Nicole L. Brown, City Clerk

(SEAL)

DEDICATION FOR STREET RIGHT-OF-WAY PURPOSES

DEDICATION: KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned, Papio-Missouri River Natural Resources District (“NRD”), sole owner of the following described property (“Property”):

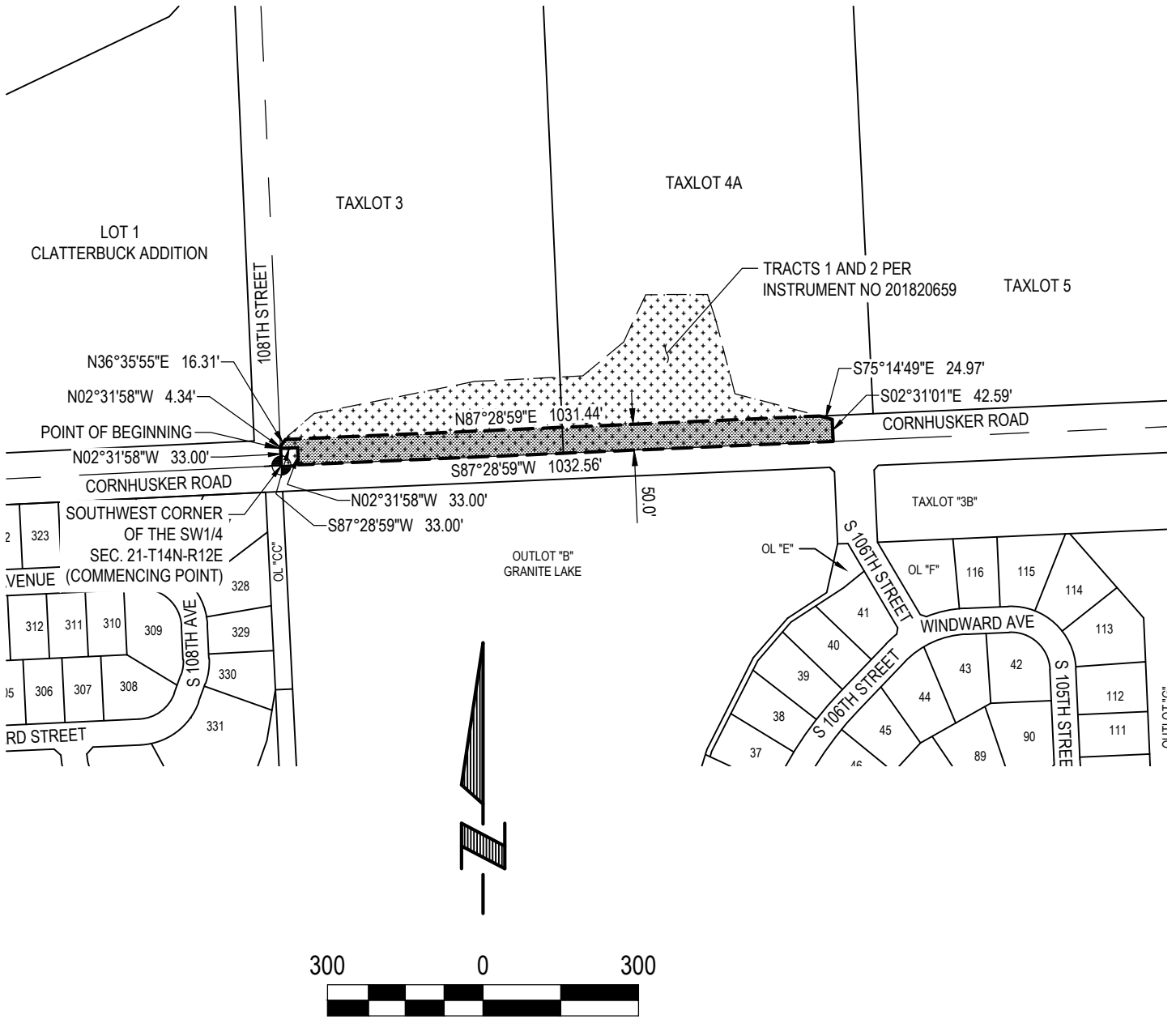
(See Exhibit “A” attached hereto and incorporated by this reference herein)

hereby dedicates the Property as right-of-way for Cornhusker Road to the public for public use. Notwithstanding this Dedication, the NRD reserves to itself and its successors and assigns the following permanent rights:

1. the right to construct, operate, maintain, repair, replace and regulate the Dams adjacent, under and on the Property, as described in the Interlocal Agreement between the NRD, City of Papillion and Sarpy County for Detention Basins WP-6 and WP-7 (“Agreement”); and,
2. the right to have unrestricted use and access over and across the Property by any route or means and for any purpose referred to in the Agreement.

[Signature page to follow]

EXHIBIT "A"



LEGAL DESCRIPTION

A RIGHT-OF-WAY DEDICATION LOCATED IN PART OF TAX LOTS 3 AND 4A, BOTH LOCATED IN THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4 OF SECTION 21, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 3; THENCE N02°31'58"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SW1/4 OF SECTION 21, SAID LINE ALSO BEING THE WEST LINE OF SAID TAX LOT 3, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CORNHUSKER ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N02°31'58"W ALONG SAID WEST LINE OF SW1/4 OF SECTION 21, SAID LINE ALSO BEING THE WEST LINE OF SAID TAX LOT 3, A DISTANCE OF 4.34 FEET; THENCE N36°35'55"E, A DISTANCE OF 16.31 FEET; THENCE N87°28'59"E ON A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SW1/4 OF SECTION 21, A DISTANCE OF 1031.44 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF CORNHUSKER ROAD (DEDICATED WITH INSTRUMENT NO. 2019-15390); THENCE ALONG THE WEST LINE OF SAID INSTRUMENT NO. 2019-15390 ON THE FOLLOWING TWO (2) DESCRIBED COURSES; (1) THENCE S75°14'49"E, A DISTANCE OF 24.97 FEET; (2) THENCE S02°31'01"E, A DISTANCE OF 42.59 FEET TO A POINT ON SAID SOUTH LINE OF SAID SW1/4 OF SECTION 21, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID TAX LOT 4A; THENCE S87°28'59"W ALONG SAID SOUTH LINE OF THE SW1/4 OF SECTION 21, SAID LINE ALSO BEING SAID SOUTH LINE OF TAX LOT 4A, SAID LINE ALSO BEING THE SOUTH LINE OF SAID TAX LOT 3, A DISTANCE OF 1032.56 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID 108TH STREET; THENCE N02°31'58"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 108TH STREET, A DISTANCE OF 33.00 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF 108TH STREET AND SAID NORTHERLY RIGHT-OF-WAY LINE OF CORNHUSKER ROAD; THENCE S87°28'59"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CORNHUSKER ROAD, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY DEDICATION CONTAINS 52,036 SQUARE FEET OR 1.195 ACRES, MORE OR LESS.

 E & A CONSULTING GROUP, INC. <small>Engineering Answers</small>	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services <small>10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599</small>	RIGHT-OF-WAY DEDICATION SW1/4 OF SECTION 21-T14N-R12E <small>SARPY COUNTY, NEBRASKA</small>	
	Drawn by: CJV Chkd by: EAS Date: 02/22/2021	SHEET 1 OF 1	
	Job No.: P2014.581.001		