

**CITY OF PAPIILLION
MAYOR AND CITY COUNCIL REPORT
February 19, 2019 AGENDA**

Subject:	Type:	Submitted By:
A resolution to approve a Temporary Water Main Easement between MUD and the City of Papillion along the Westerly Right-of-Way line of 132 nd Street just north of Hwy 370	Resolution R19-0023	Jeffrey L. Thompson Public Works Director/City Engineer

SYNOPSIS:

This resolution, if approved, will authorize the execution of a temporary easement on property located west of 132nd Street just north of Highway 370 in the SE ¼, Section 25, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska (Prairie Queen Recreational Area). The easements are required for the upgrade and extension of water main along 132nd Street south.

FISCAL IMPACT:

None

RECOMMENDATION:

Approval

BACKGROUND:

The City of Papillion has a boundary agreement with MUD which allows for water service west of Prairie Queen Recreational Area. The proposed upgrades fall within their service area and fit within the terms of that agreement.

ATTACHMENTS:

- | | |
|----------------------------|---------|
| 1. Resolution No. R19-0023 | 1 page |
| 2. Easement and Exhibits | 4 pages |

RESOLUTION NO. R19-0023

BE IT RESOLVED by the Mayor and City Council of the City of Papillion that the temporary water main easement with MUD on property located in the SE ¼, all in Section 25, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska (Prairie Queen Recreational Area) is hereby approved.

PASSED AND APPROVED THIS __ DAY OF _____, 2019.

CITY OF PAPIILLION

David P. Black, Mayor

ATTEST:

Nicole Brown
City Clerk

(SEAL)

**METROPOLITAN UTILITIES DISTRICT
1723 HARNEY STREET
OMAHA, NEBRASKA 68102-1960**

MARK MENDENHALL
SENIOR VICE PRESIDENT/GENERAL COUNSEL
402-504-7129
F - 402-504-5129
MARK_MENDENHALL@MUDNEBR.COM

A. JUSTIN COOPER
ATTORNEY
402-504-7218
F - 402-504-5218
JUSTIN_COOPER@MUDNEBR.COM

RICK KUBAT
GOVERNMENT RELATIONS ATTORNEY
402-504-7125
F - 402-504-5125
RICK_KUBAT@MUDNEBR.COM

MARC WILLIS
COMPLIANCE MANAGER
402-504-7276
F - 402-504-5276
MARC_WILLIS@MUDNEBR.COM

JOSEPH KEHM
ATTORNEY
402-504-7241
F - 402-504-5241
JOSEPH_KEHM@MUDNEBR.COM

January 22, 2019

City of Papillion
9099 Portal Road
Papillion, NE 68046

RE: Request for Temporary Water Main Easement
SE ¼ Section 25 Township 14 Range 11, Sarpy County, Nebraska

To Whom It May Concern:

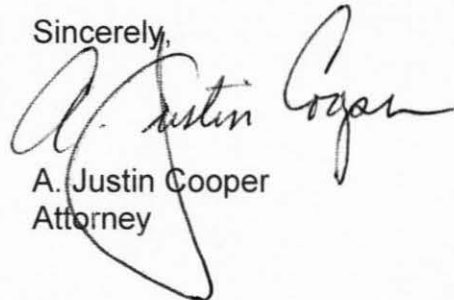
The Metropolitan Utilities District of Omaha is seeking a temporary water main easement along the edge of your property on 132nd Street in Sarpy County. The temporary easement will be used during construction to aid in the installation of the main and for equipment and material storage and will be returned to its pre-existing condition upon completion of the project.

Enclosed is the proposed temporary easement with a map showing the location of the easement on your property. If the easement meets with your approval, please have the appropriate representative of the City of Papillion sign the easement in front of a notary and return it to me for filing with the Register of Deeds.

Please process our request through the appropriate city channels for approval.

Please feel free to contact me with any questions or concerns.

Sincerely,



A. Justin Cooper
Attorney

AJC/llm
Enclosures

TEMPORARY EASEMENT

THIS AGREEMENT, made this _____ day of _____, 2018, between CITY OF PAVILLION (Grantor") and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision ("Grantee"),

WITNESS:

Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby grants to Metropolitan Utilities District of Omaha, its successors and assigns, a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

TEMPORARY EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (ASSUMED BEARING), NORTH 02 DEGREES 41 MINUTES 37 SECONDS WEST, 269.53 FEET; THENCE SOUTH 87 DEGREES 18 MINUTES 23 SECONDS WEST, 76.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH 132nd STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 18 MINUTES 23 SECONDS WEST, 12.77 FEET; THENCE NORTH 02 DEGREES 41 MINUTES 37 SECONDS WEST, 188.08 FEET; THENCE NORTH 87 DEGREES 18 MINUTES 23 SECONDS EAST, 13.16 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 07 DEGREES 43 MINUTES 59 SECONDS EAST, 98.44 FEET;
- 2) SOUTH 03 DEGREES 02 MINUTES 14 SECONDS WEST, 90.48 FEET TO THE TRUE POINT OF BEGINNING.

This temporary easement contains 0.0751 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by reference.

Please file & return to:
Justin Cooper, Attorney
Metropolitan Utilities District
1723 Harney Street
Omaha, Nebraska 68102-1960

1. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the temporary easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so.

2. The Grantee shall restore the soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.

3. The Grantor is the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance.

4. The person executing this instrument has authority to execute it on behalf of the City of Papillion.

IN WITNESS WHEREOF, Grantor executes this Temporary Easement on the above date.

CITY OF PAPILLION, Grantor

By: _____
 Authorized Representative

 Printed Name

 Title

ACKNOWLEDGMENT

STATE OF NEBRASKA)
)
 COUNTY OF SARPY) ss

This instrument was acknowledged before me on _____, 2018,
 by _____, _____ of the City of
 Papillion.

 Notary Public



EASEMENT ACQUISITION

FOR
WP1550
100057000448

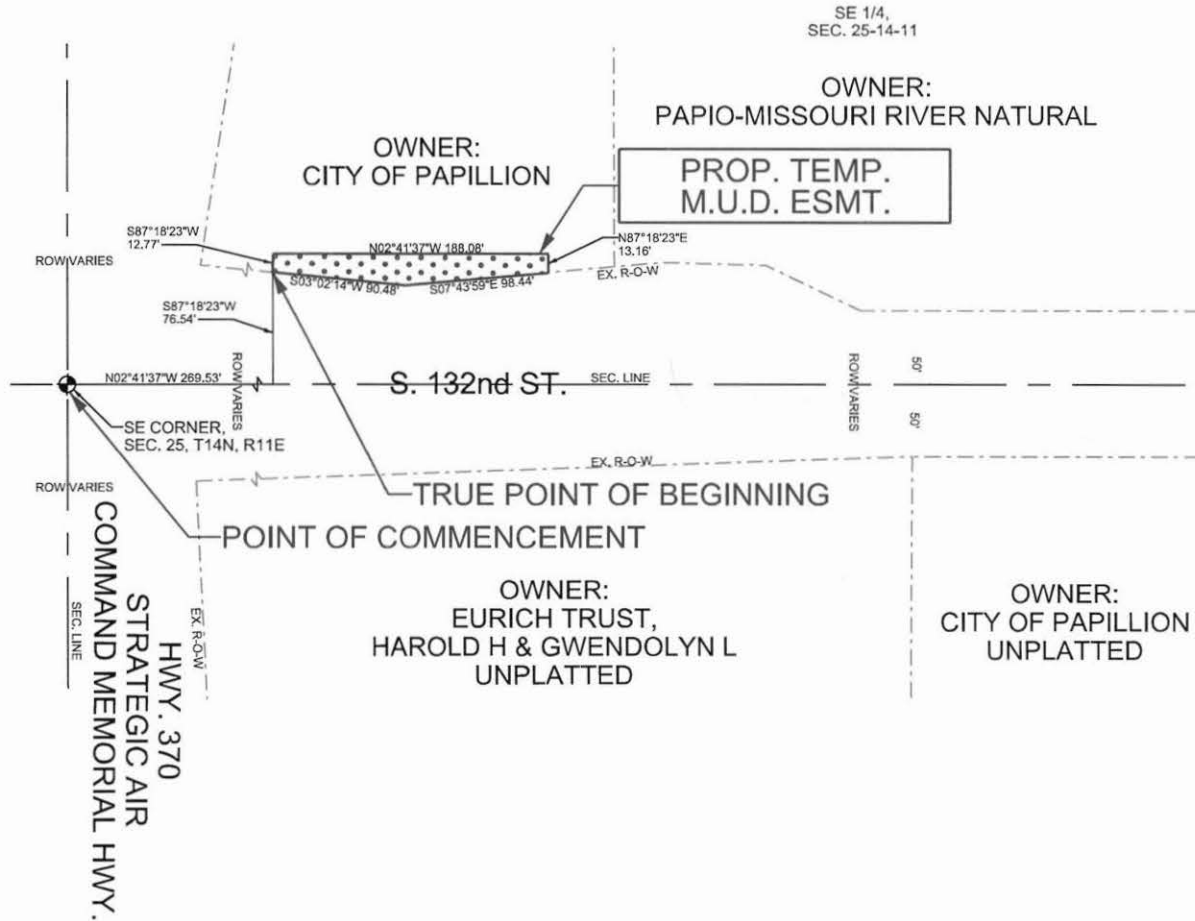
LAND OWNER
CITY OF PAPIILLION
9909 PORTAL RD.
PAPIILLION, NE 68046

TOTAL ACRE PERMANENT 0.0751 ±
TOTAL ACRE TEMPORARY N/A

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY MAB
DATE 9/06/18
CHECKED BY DEF
DATE 9/06/18
APPROVED BY
DATE
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE



NO SCALE TRACT A

