

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

**RESOLUTION APPROVING PROPOSAL FOR RIGHT OF WAY SERVICES WITH MIDWEST
RIGHT OF WAY SERVICES, INC FOR 72ND STREET CONSTRUCTION PROJECT C-77 (01-02).**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, County of Sarpy is preparing for road improvement work on 72nd Street from Platteview Road to Capehart Road as part of Sarpy County Project number C-77 (01-02) and will need to acquire certain right-of-way for this project; and

WHEREAS, a proposal has been made by Midwest Right of Way Services, Inc. for professional services to assist with the acquisition of the necessary land for said project, a copy of which is attached; and

WHEREAS, said attached agreement is in the best interests of the citizens of Sarpy County Nebraska and the traveling public.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board hereby approves the attached proposal by Midwest Right of Way Services, Inc. regarding right-of-way services for Sarpy County Project number C-77 (01-02) on 72nd Street from Platteview Road to Capehart Road Sarpy County Nebraska.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk, is hereby authorized to sign the Proposal for Right of Way Services with Midwest Right of Way Services, Inc, on behalf of this Board a copy of which is attached, and any other related documents, the same being approved by the Board.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 30th day of

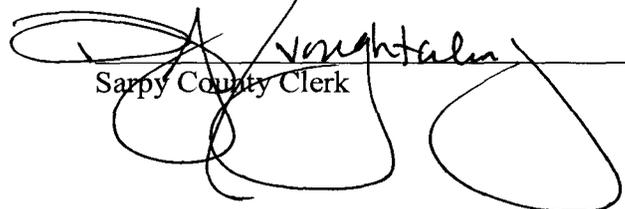
September, 2014.

ATTEST





Sarpy County Board Chairman



Sarpy County Clerk

MIDWEST

Right of Way Services, Inc.

www.midwestrow.com

September 22, 2014

Mr. Pat Dowse
Sarpy County Public Works
Engineering Manager
15100 South 84th Street
Papillion, Nebraska 68046

RE: Proposal for Right of Way Services
72nd Street from Platteview Road to Capehart Road
Sarpy County Project No. C-77 (01-02)

Dear Mr. Dowse:

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
13425 "A" Street
Omaha, Nebraska 68144
(402) 955-2900
(402) 955-2903 FAX

PROJECT UNDERSTANDING

This project involves the acquisition of land and easements from eleven (11) parcels of land located along 72nd Street from Platteview Road to Capehart Road in Sarpy County, Nebraska. The acquisitions are to be completed in two phases, the first of which will be the purchase of six parcels. The second phase will be the acquisition of the remaining five parcels necessary to construct the project.

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. Coordination and scheduling of the title work, appraisals and reviews, and the acquisition and closing process will be the responsibility of the project manager.

TITLE SEARCHES

Title searches will be ordered for the property to be acquired in order to determine fee ownership and any liens and encumbrances which will affect the title. Midwest Right of Way Services will contract with Nebraska Title Company in Omaha to provide these services and pass the cost through to Sarpy County. Title updates will be necessary to complete the second phase of the project.

APPRAISALS

This task involves preparation of appraisal reports which will provide values for the land and easements to be acquired. Tom Stevens will prepare the appraisal reports for six parcels of farm land that require the acquisition of new right of way. The second phase will include appraisals and updates to the five tracts remaining to construct the street improvement. John Moran will provide the compensation estimates for the three acreage parcels that only require the acquisition of easements during the second phase of the project.

ACQUISITION

Midwest Right of Way Services' acquisition agents will make every effort to understand the project's objective before meeting with the property owner. They will prepare all documents, present and explain the offer, answer all acquisition-related questions, and secure signatures from all interested parties. Our acquisition agent will obtain tenant information from property owners and proceed to obtain signed a leasehold contract, if applicable. This project will require Midwest to negotiate with eight owners for two separate projects.

Midwest Right of Way Services will perform the services in accordance with the Nebraska Department of Roads Right of Way Manual. Our goal is to acquire the necessary right of way through amicable negotiations. If condemnation is required, Midwest Right of Way Services will deliver the parcel files to Sarpy County and be available for consultation or condemnation testimony.

RESIDENCY VERIFICATION CLAUSE

The Consultant agrees to comply with the residency verification requirements of Neb. Rev. Stat. §4-108 through §4-114. The Consultant is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

If the Consultant is an individual or sole proprietorship, the following applies:

1. The Consultant must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at www.das.state.ne.us.

If the Consultant indicates on such attestation form that he or she is a qualified alien, the Consultant agrees to provide the US Citizenship and Immigration Services documentation required to verify the Consultant's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program.

2. The Consultant understands and agrees that lawful presence in the United States is required and the Consultant may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. Sect.4-108.

Residency Verification Clause: The Parties agree to comply with the residency verification requirements of Neb. Rev. Stat. §4-108 through §4-114. The Parties are required and hereby agree to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

TEAM MEMBERS

Jack Borgmeyer, SR/WA, R/W-RAC, is President of Midwest Right of Way Services, Inc. Borgmeyer is qualified to complete all aspects of the right of way process. His experience includes right of way title searches, land and easement acquisition, relocation, condemnation testimony, and project management. Borgmeyer has over 35 years of experience relating to real estate and right of way.

Stacey A. Kroeger, R/W-RAC, Right of Way Agent, has worked for Midwest Right of Way Services for over 12 years. She has performed acquisition negotiations and relocation assistance for the past seven years. Her experience includes right of way title searches, acquisition negotiations and relocation assistance for state and local, federally funded projects in Iowa, Nebraska and Kansas.

Dave Minino, Right of Way Agent, has worked for Midwest Right of Way Services since March of 2012. He has performed title searches and reviews and acquisition negotiations for roadway, drainage and utility projects and brings over six years of real estate experience to our team.

Denny Bliss, Right of Way Agent, has worked for Midwest Right of Way Services since July of 2011. He has performed acquisition negotiations for airport, roadway, and drainage projects. His experience also includes preparation and review of legal descriptions, review of land title reports, as well as the ability to read, interpret and draw engineering plans. He is also an experienced CADD technician.

Maria Rodriguez, Right of Way Agent, is qualified in all aspects of land acquisition and relocation assistance. She has performed acquisition and relocation assistance for the last six years in Phoenix, Arizona and Nebraska. Her experience includes right of way title searches, acquisition negotiations and relocation assistance for state, local, and federally funded projects in Arizona.

Lynda Steigerwalt provides office support and document preparation for Midwest Right of Way's acquisition and relocation agents. She has over seven years of experience in the title insurance and real estate industries.

PAYMENT FOR SERVICES

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

	<u>Hourly Salary Rates</u>
Project Manager	\$ 95.00
Right of Way Agent/Relocation Agent	\$ 85.00
Mileage at Standard IRS Rate	\$ 0.56 per mile

The maximum fees for each task will be as follows:

<u>Task – Phase 1</u>	<u>Maximum Fee</u>
Project Management 6 parcels @ \$285.00 each	\$ 1,710.00
Appraisal Project Report	\$ 2,500.00
Short Form Appraisals 6 @ \$1,200.00 each	\$ 7,200.00
Acquisition 6 parcels @ \$2,380.00 each	\$ 14,280.00
Title Services 6 parcels @ \$200.00 each	<u>\$ 1,200.00</u>
PHASE 1 MAXIMUM FEES	\$ 26,890.00

<u>Task – Phase 2</u>	<u>Maximum Fee</u>
Project Management 5 parcels @ \$285.00 each	\$ 1,425.00
Project Report Update	\$ 1,000.00
Short Form Appraisals 2 @ \$1,200.00 each	\$ 2,400.00
Compensation Estimates 3 @ \$950.00 each	\$ 2,850.00
Appraisal Updates 6 @ \$600.00 each	\$ 3,600.00
Acquisition 5 parcels @ \$2,380.00 each	\$ 11,900.00
Title Services 5 parcels @ \$200.00 each	\$ 1,000.00
Title Updates 6 parcels @ \$100.00 each	<u>\$ 600.00</u>
PHASE 2 MAXIMUM FEES	\$ 24,775.00

Mr. Pat Dowse
September 22, 2014
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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. Condemnation court testimony and consultation will be billed at our standard hourly rate plus expenses, if needed. Invoices will be sent on an approximate monthly basis for services rendered.

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 duplicate 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
Sarpy County, Nebraska

Date: 9-30-14



SARPY COUNTY

Dennis L. Wilson, P.E., PhD
Sarpy County Engineer

PUBLIC WORKS DEPARTMENT
15100 South 84th Street • Papillion, NE 68046-2895
Phone (402) 537-6900 • FAX (402) 537-6955 • www.sarpy.com

MEMO

TO: Sarpy County Board of Commissioners

FROM: Patrick M. Dowse, P.E., Engineering Manager *pmd*

DATE: September 26, 2014

SUBJECT: Resolution Approving Proposal for Right of Way Services with Midwest Right of Way Services, Inc. for 72nd Street Construction Project C-77(01-02)

I recommend approval of the above referenced Resolution to accept the proposal of Midwest Right of Way Services, Inc. (MW ROW) to complete Right of Way services on behalf of the County for the 72nd Street – Platteview Road to Capehart Road improvement project. Sarpy County Public Works is currently designing this project in-house and anticipates construction to begin sometime after the Capehart Road – 81st Street to 60th Street project is completed.

As the 72nd Street project is a few years from beginning construction, the proposal from MW ROW breaks out the Right of Way work into two tasks. The first task is to acquire Right of Way out to fifty feet (50') in width from the section line for the parcels that are not currently to this width. This task scheduled to be completed within the current Fiscal Year. The second task is to acquire the Permanent Easements and Temporary Easements required to grade, construct and maintain the roadway and drainage appurtenances. It is prudent to complete easement work closer to the time of construction, as some easements are time sensitive and easements may need to be revised as design develops.

If you have any questions, please give me a call at 537-6917.