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LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF INSTITUTING
EMINENT DOMAIN PROCEEDINGS
Project No. C-55-M-407(1)
Tract No. 4

)
) RESOLUTION NO. R-11-0017
)
)

WHEREAS, pursuant to the laws of the State of Nebraska, the County of Lancaster is charged with the duty of constructing, maintaining and improving county roads and bridges within the county, and is authorized to exercise the power of eminent domain in conjunction with its performance of such duties; and

WHEREAS, the County has concluded that it is necessary for the safety and convenience of the traveling public to improve Northwest 70th Street from West Superior Street south 1/2 mile, which improvements consist of re-grading of slope, culvert and driveway construction; and

WHEREAS, certain right-of-way, more particularly described and shown in Exhibits A and B, attached hereto and hereby incorporated by this reference, must be acquired in order to successfully improve Northwest 70th Street from West Superior Street south 1/2 mile; and

WHEREAS, the County has contacted Douglas B. and Kimberly K. Rath, Trustees, who are the record owners of said property, and the County has made good faith offers to purchase from them the needed right-of-way shown and described in Exhibits A and B, attached hereto; and

WHEREAS, the County has made reasonable efforts to induce said individuals to accept its offers, as shown in Summaries of Contacts attached as Exhibit C, but has been unable to reach an agreement to purchase said property.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of

Lancaster County, Nebraska, that eminent domain proceedings be instituted in the County Court of Lancaster County, Nebraska, in order to acquire the needed right-of-way shown and described on Exhibits A and B, attached, from the above-named parties.

DATED this 8 of March, 2011, at the County-City Building, Lincoln,

Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

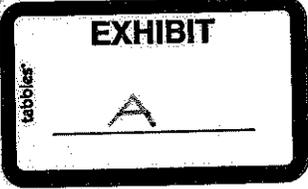
APPROVED AS TO FORM
this 8 day of
March, 2011.

Brittany Behron
Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

Jane Koford
Bob King
Bob Schorr
Kevin Neer
Hudkins Absent

NE CORNER SEC. 11-10-5
STATION 52+82.17

WEST SUPERIOR STREET



PROJECT NO. C55-M-407(1)

TRACT 4

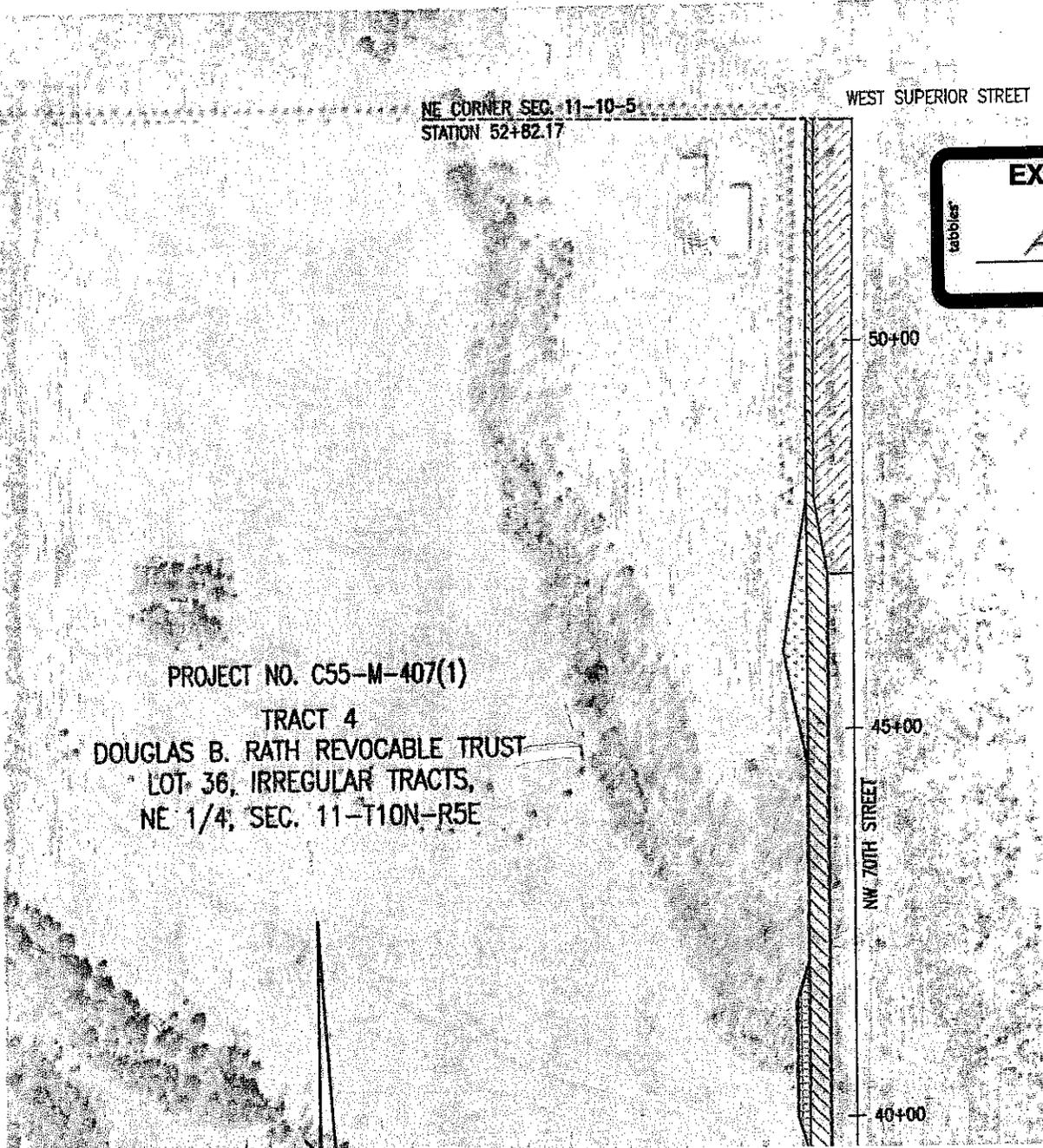
DOUGLAS B. RATH REVOCABLE TRUST
LOT 36, IRREGULAR TRACTS,
NE 1/4, SEC. 11-T10N-R5E

50+00

45+00

40+00

NW 70TH STREET



Project No. C55-M-407 (1)
 Owner: Douglas B. and Kimberly K. Rath, Co-Trustees
 Location: Vicinity NW 70th and W. Superior
 Lancaster County, NE
 Tract No.: 4



Fee Simple as Measured by Stationing and Offsets from Project Section line

From Sta. 26+41.52	To Sta. 38+00.00	a strip 60 ft. wide	Left side
From Sta. 38+00.00	To Sta. 39+00.00	a strip 33 ft. wide	Left side
From Sta. 39+00.00	To Sta. 47+00.00	a strip 60 ft. wide	Left side
From Sta. 47+00.00	To Sta. 48+00.00	a strip 33 - 60 ft. wide	Left side
From Sta. 48+00.00	To Sta. 52+82.17	a strip 50 - 60 ft. wide	Left side

Legal Description of Warranty Deed for part taken

A part of Lot 36, Irregular Tracts, located in the NE ¼, of Section 11, Township 10 North, Range 5 East of 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the northeast corner of said NE ¼; thence southerly with the east line of said NE ¼, a distance of 582.17 feet to the point of beginning; thence westerly perpendicular to the east line of said NE ¼, a distance of 33.00 feet to a point; thence northwesterly to a point, said point being located 50.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being located 482.17 feet south of the northeast corner of said NE ¼, as measured with the east line of said NE ¼; thence northerly 50.00 feet west of and parallel with the east line of said NE ¼, to a point of intersection with the north line of said NE ¼; thence westerly with the north line of said NE ¼, to a point, said point being located 60.00 feet west of as measured perpendicular to the east line of said NE ¼; thence southerly 60.00 feet west of and parallel with the east line of said NE ¼, to a point, said point being located 1382.17 feet south of the northeast corner of said NE ¼, as measured with the east line of said NE ¼; thence easterly perpendicular to the east line of said NE ¼, a distance of 27.00 feet to a point, said point being located 33.00 feet west of as measured perpendicular to the east line of said NE ¼; thence southerly 33.00 feet west of and parallel with the east line of said NE ¼, a distance of 100.00 feet to a point; thence westerly perpendicular to the east line of said NE ¼, a distance of 27.00 feet to a point, said point being located 60.00 feet west of as measured perpendicular to the east line of said NE ¼; thence southerly 60.00 feet west of and parallel with the east line of said NE ¼, to a point of intersection with the south line of said NE ¼; thence easterly with the south line of said NE ¼, to a point of intersection with the east line of said NE ¼, said point being the southeast corner of said NE ¼; thence northerly with the east line of said NE ¼, to the point of beginning.

Containing 2.93 acres, more or less, of which 1.56 acres, more or less, is existing county road right of way, making a net additional right of way of 1.37 acres, more or less.

Project No. C55-M-407 (1)
 Owner: Douglas B. and Kimberly K. Rath, Co-Trustees
 Location: Vicinity NW 70th and W. Superior
 Lancaster County, NE
 Tract No.: 4

Permanent Easement as Measured by Stationing and Offsets from Project Section line

From Sta. 34+50.00	To Sta. 37+00.00	a strip 70 ft. wide	Left side
From Sta. 37+00.00	To Sta. 37+50.00	a strip 70 - 60 ft. wide	Left side
From Sta. 39+50.00	To Sta. 40+00.00	a strip 60 – 75 ft. wide	Left side
From Sta. 40+00.00	To Sta. 41+50.00	a strip 75 ft. wide	Left side
From Sta. 41+50.00	To Sta. 42+00.00	a strip 75 – 60 ft. wide	Left side

Legal Description of Permanent Easement

A part of Lot 36, Irregular Tracts, located in the NE ¼, of Section 11, Township 10 North, Range 5 East of 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the northeast corner of said NE ¼; thence southerly with the east line of said NE ¼, a distance of 1082.17 feet to a point; thence westerly perpendicular to the east line of said NE ¼, a distance of 60.00 feet to the point of beginning; thence southerly 60.00 feet west of and parallel with the east line of said NE ¼, a distance of 250.00 feet to a point; thence northwesterly to a point, said point being located 75.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being located 1282.17 feet south of the northeast corner of said NE ¼, as measured with the east line of said NE ¼; thence northerly 75.00 feet west of and parallel with the east line of said NE ¼, a distance of 150.00 to a point; thence northeasterly to the point of beginning.

And

Referring to the northeast corner of said NE ¼; thence southerly with the east line of said NE ¼, a distance of 1532.17 feet to a point; thence westerly perpendicular to the east line of said NE ¼, a distance of 60.00 feet to the point of beginning; thence southerly 60.00 feet west of and parallel with the east line of said NE ¼, a distance of 300.00 feet to a point; thence westerly perpendicular to the east line of said NE ¼, a distance of 10.00 feet to a point; thence northerly 70.00 feet west of and parallel with the east line of said NE ¼, a distance of 250.00 feet to a point; thence northeasterly to the point of beginning.

Containing 0.13 acres, more or less.

Project No. C55-M-407 (1)
 Owner: Douglas B. and Kimberly K. Rath, Co-Trustees
 Location: Vicinity NW 70th and W. Superior
 Lancaster County, NE
 Tract No.: 4

Temporary Easement as Measured by Stationing and Offsets from Project Section line

From Sta. 26+41.52	To Sta. 28+00.00	a strip 80 ft. wide	Left side
From Sta. 28+00.00	To Sta. 29+00.00	a strip 80 - 75 ft. wide	Left side
From Sta. 29+00.00	To Sta. 30+50.00	a strip 75 - 60 ft. wide	Left side
From Sta. 32+00.00	To Sta. 33+10.00	a strip 60 - 80 ft. wide	Left side
From Sta. 33+10.00	To Sta. 34+50.00	a strip 80 ft. wide	Left side
From Sta. 44+50.00	To Sta. 46+00.00	a strip 60 - 90 ft. wide	Left side
From Sta. 46+00.00	To Sta. 48+00.00	a strip 90 - 60 ft. wide	Left side

Legal Description of Temporary Easements

A part of Lot 36, Irregular Tracts, located in the NE ¼, of Section 11, Township 10 North, Range 5 East of 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the northeast corner of said NE ¼; thence southerly with the east line of said NE ¼, a distance of 482.17 feet to a point; thence westerly perpendicular to the east line of said NE ¼, a distance of 60.00 feet to the point of beginning; thence southerly 60.00 feet west of and parallel with the east line of said NE ¼, a distance of 350.00 feet to a point; thence northwesterly to a point, said point being located 90.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being located 682.17 feet south of the northeast corner of said NE ¼, as measured with the east line of said NE ¼; thence northeasterly to the point of beginning.

And

Referring to the northeast corner of said NE ¼; thence southerly with the east line of said NE ¼, a distance of 1832.17 feet to a point; thence westerly perpendicular to the east line of said NE ¼, a distance of 60.00 feet to the point of beginning; thence southerly 60.00 feet west of and parallel with the east line of said NE ¼, a distance of 250.00 feet to a point; thence northwesterly to a point, said point being located 80.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being located 1972.17 feet south of the northeast corner of said NE ¼, as measured with the east line of said NE ¼; thence northerly 80.00 feet west of and parallel with the east line of said NE ¼, a distance of 140.00 feet to a point; thence easterly perpendicular to the east line of said NE ¼, a distance of 20.00 feet to the point of beginning.

And

Referring to the southeast corner of said NE ¼; thence westerly with the south line of said NE ¼, to a point, said point being located 60.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being the point of beginning; thence northerly 60.00 feet west of and parallel with the east line of said NE ¼, to a point, said point being located 408.48 feet north of the southeast corner of said NE ¼, as measured with the east line of said NE ¼; thence southwestly to a point, said point being located 75.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being located 258.48 feet north of the southeast corner of said NE ¼, as measured with the east line of said NE ¼; thence southwestly to a point, said point being located 80.00 feet west of as measured perpendicular to the east line of said NE ¼, said point also being located 158.48 feet north of the southeast corner of said NE ¼, as measured with the east line of said NE ¼; thence southerly 80.00 feet west of and parallel with the east line of said NE ¼, to a point of intersection with the south line of said NE ¼; thence easterly with the south line of said NE ¼, to the point of beginning.

Containing 0.35 acres, more or less.

IDENTIFICATION OF PROPERTY

The subject of the appraisal is located on the southwest corner of Northwest 70th Street and West Superior Street in northwestern Lancaster County, Nebraska. The property is further described in this report and identified on exhibits and plans contained in the addenda of this report.

LEGAL DESCRIPTION AND TITLE HISTORY

The following is a summary of the ownership and legal description:

Current Ownership: Douglas B. Rath, Trustee of the Douglas B. Rath Revocable Trust and
Kimberly K. Rath, Trustee of the Kimberly K. Rath Revocable Trust

Legal Description: Lot 36, Irregular Tracts located in the Northeast Quarter of Section 11, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska

Grantor: John F. and Adrienne E. Schmidt, Co-Trustees of the Schmidt Revocable Family Trust
Grantee: Douglas B. Rath, Trustee of the Douglas B. Rath Revocable Trust and
Kimberly K. Rath, Trustee of the Kimberly K. Rath Revocable Trust

Instrument: Quitclaim Deed Date Recorded: April 8, 2009

Instrument Number: 2009-017833 Book/Page: N/A

Consideration: \$2,000 Revenue Stamps \$4.50

Notes This transfer included a 0.02 acre portion of the subject property located in the northwest corner of the property. The transfer was between unrelated parties and is considered to be at arm's length.

Grantor: Douglas B. Rath, Trustee of the Douglas B. Rath Revocable Trust and
Kimberly K. Rath, Trustee of the Kimberly K. Rath Revocable Trust
Grantee: Lancaster County

Instrument: Warranty Deed Date Recorded: November 15, 2007

Instrument Number: 2007-056313 Book/Page: N/A

Consideration: N/A Revenue Stamps Exempt

Notes This transfer included a total of 0.21 acres of the northeast corner of the subject property. The transfer was an initial taking of the project for which this report is a part. The transfer was between unrelated parties but was a negotiated price.

LANCASTER
COUNTY

Don R. Thomas
County Engineer

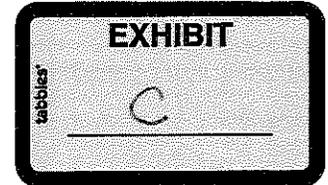
ENGINEERING

DEPARTMENT

Kenneth D. Schroeder - Deputy
County Surveyor

February 8, 2011

CERTIFIED MAIL



Douglas B. and Kimberly K. Rath, Co-Trustees
% Mark Hunzeker Attorney at Law
Baylor, Evnen, Curtiss, Grmit and Witt
1248 "O" Street, Suite 600
Lincoln, NE 68508

RE: Project No. C55-M-407(1)
NW 70th and W Superior St
Tract 4

Dear Mr. Hunzeker:

Reference is made to our past offer of compensation for right-of-way required by Lancaster County on the above-mentioned project. Your real estate that is affected is legally described as part of Tract No. 4 consisting of 2.93 acres, more or less inclusive of existing right of ways situated in Lot 36, I.T., in the NE ¼ of Section 11, Township 10 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska.

Our last and best offer of compensation for the right-of-way to be acquired is as follows:

Fee Simple	
1.37 acre at \$ 5,800.00/acre	\$ 7,946.00
Statutory Easement	
1.56 acre at \$5,800.00/acre x 10%	\$ 904.80
Remove and replace existing fencing at 50% RCN	
125 rods of 4 SBW at \$25.25/rod x 50%	\$ 1,578.13
2 corner fence assemblies at \$170.00 each	\$ 340.00
6 end assemblies at \$130.00 each	\$ 780.00
4 farm gates at \$90.00 each	\$ 360.00
Permanent Easement:	
0.13 acre at \$ 5,800.00/acre x 90%	\$ 678.60
Temporary Easement:	
0.35 acre at \$ 5,800.00/acre x 25%	\$ 507.50
Title Extension Fee	\$ 60.00
Total Compensation	\$ 13,155.03

To date, our negotiator has been unable to arrive at an agreeable settlement. We would appreciate an acceptance of our offer.

However, if you do not make an attempt to contact this office in the near future towards consummating this transaction, we will assume this acquisition will have to be made through the process of Eminent Domain.

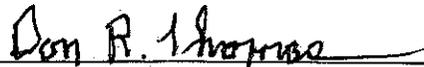
Please be assured our only purpose in initiating Eminent Domain proceedings would be to assure ourselves the right-of-way will be available to meet our construction schedule.

In the event it becomes necessary to initiate Eminent Domain proceedings, it would still be possible for you to consummate this transaction, if you so desire, at anytime prior to the holding of the hearing on the proceedings.

A further explanation of the Eminent Domain procedure is enclosed for your information.

If you have any questions, please feel free to contact this office.

Sincerely,



Don R. Thomas
Lancaster County Engineer

Enc.
DRT/JJS

EMINENT DOMAIN PROCEDURE

The purpose of this outline is to briefly summarize the steps necessary to acquire property through the process of Eminent Domain.

When mutual agreement between a landowner and the County Engineering Department cannot be reached, appropriate documents are filed with the County Court, which initiates the process of Eminent Domain. The County Court will then appoint three local property owners who will act as a Board of Appraisers. The property owners appointed to the board will be familiar with local real property values. The landowner will be notified of the date, time and location of the Eminent Domain hearing. The hearing is divided into two portions, during the first portion the Board of Appraisers will hear statements and opinions from the landowner or the landowner's designated representative regarding the value of land and/or accompanying damages associated with the acquisition. The Board of Appraisers will then hear statements from the County Engineering Department's representatives, they may then ask questions or require further clarification regarding statements made by either the landowner or the County's representatives.

The second portion of the hearing consists of the Board of Appraisers physically visiting the site of the disputed acquisition. Upon deliberation of the information presented, the Board of Appraisers will file a formal report of their findings with the County Court.

The landowner is not required to attend the Eminent Domain hearing, however it is encouraged. The landowner may choose to present relevant information during the hearing or may choose to retain the services of an attorney to present such information. The Eminent Domain hearing is conducted at no cost to the landowner unless the landowner elects to retain an attorney.

In the event the landowner or the County Engineering Department is not satisfied with the award findings rendered by the Board of Appraisers, either party may appeal to District Court for a determination of value. Should either party elect to pursue an appeal, it is customary for the landowner to retain the services of an attorney for representation in District Court.

The amount of the award determined by the Board of Appraisers will be deposited with the County Court. If no District Court appeal is filed, the award amount will become available to the landowner thirty (30) days from date the award is filed with the County Court. It is the responsibility of the landowner to inquire as to the date the award was filed. If the award is appealed, the landowner may petition the County Court for release of the award amount before the County Engineering Department takes physical possession of the property.

In the event the landowner elects to accept the County's offer prior to the hearing date, Eminent Domain proceedings will be dismissed.

**LANCASTER COUNTY ENGINEERING DEPARTMENT
AGENT CALL REPORT**

OWNER: Douglas B. & Kimberly Rath Co-Trustees	PROJECT NO.: C55-M-407(1)
ADDRESS: 2770 Woodscrest Ave. Lincoln, NE 68502	TRACT NO.: 4
HOME PHONE: 402-	CELL PHONE: 402-
WORK PHONE: 402-	E-mail:

CALL DATE	VISIT NO.	AMOUNT OFFERED	SALVAGE OFFERED	COUNTER OFFER	PERSONS PRESENT
6/30/2010	1	\$21,815.03	Yes	NA	Alex Olson & Allen Moser

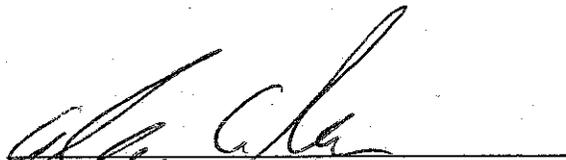
REPORT OF DISCUSSION:

After meeting with Mr. Douglas B. Rath and others, I called Allen Moser about the well on Mr. Rath's property.

I reached Mr. Moser on his cell and he told me to call the office and leave a message and he would call me back with a time frame.

I called the Moser Office and gave the information for Mr. Rath's property. I was informed Allen Moser would call me back.

SIGNED: _____


Right-of-Way Agent

Alex G. Olson

From: Dennis Clifford [DClifford@talentplus.com]
Sent: Wednesday, July 28, 2010 2:10 PM
To: Alex G. Olson
Subject: report of water analysis @ NW 70th & Adams
Attachments: water sample GPark.pdf

Alex,
Here is the water report that we spoke about this morning. Do you know the time schedule for drilling test holes?

Let me know if you need anything else.

Thanks,
Dennis Clifford | Talent Plus, Inc.
One Talent Plus Way | Lincoln, NE 68506-5987
phone 402.489.2000 | toll-free 1.800.VARSITY | cell 402.580.0160 | fax 402.489.4156
e-mail dclifford@talentplus.com | Web www.talentplus.com

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Servi-Tech Laboratories

1602 Park West Dr. • PO Box 169 • Hastings, NE 68902
www.servitechlabs.com

Phone: 402.463.3522 • 800.557.7509 • Fax: 402.463.8132

Lab #: H-2010NL002433 **LABORATORY REPORT** Report Date: 06/10/2010 02:34 pm

Send To: HQWNE INC
26108 DBA AQUA SYSTEMS ON NE
2949 CORNHUSKER HWY
LINCOLN, NE 68504-1519

Nancy Jenny
Nancy Jenny
Laboratory Manager

Project ID:
Project Title:
Sample ID: OWN WELL
Client Name: TALENT PLUS 4201 NW 70TH
Subject: Drinking Water Lab Analysis

Date/Time Received: 06/09/2010 09:00 am
Name of Submitter: AQUA SYSTEMS
Date/Time Sampled: 06/07/2010 03:00 pm
Name of Sampler: JEFF WHITE

Location: WELL
Invoice No: 947898
P.O. #:
Depth:
Flow Rate:

Analysis	Result	Unit	RL	Method	Analysis Date/Time	Tech
Nitrate Nitrogen, NO3-N	0.19	mg/L	0.10	EPA 300.0	6/10/2010	TLH
Chloride, Cl	32	mg/L	10	EPA 300.0	6/9/2010 7:14PM	TLH
Sulfate, SO4	51	mg/L	6.0	Calculation		
Sulfate-Sulfur, SO4-S	17	mg/L	2	EPA 300.0	6/9/2010 7:14PM	TLH
Total Alkalinity, at 21°C	390	mg/L	4	SM 2320 B (18th Ed.)	6/9/2010 3:18PM	CZ
Bicarbonate, at 21°C	470	mg/L	10	SM 2320 B (18th Ed.)	6/9/2010 3:18PM	CZ
Total Calcium, Ca	120	mg/L	1	EPA 200.7	6/10/2010 11:28AM	JB
Total Magnesium, Mg	28	mg/L	1	EPA 200.7	6/10/2010 11:28AM	JB
Total Potassium, K	4	mg/L	1	EPA 200.7	6/10/2010 11:28AM	JB
Potassium as K2O	4.8	mg/L	1.2	Calculation		
Total Sodium, Na	26	mg/L	1	EPA 200.7	6/10/2010 11:28AM	JB
Total Iron, Fe	0.31	mg/L	0.05	EPA 200.7	6/10/2010 11:28AM	JB
Total Manganese, Mn	0.006	mg/L	0.005	EPA 200.7	6/10/2010 11:28AM	JB
pH, at 21°C	8.5	units	NA	SM 4500-H+ B (20th Ed.)	6/10/2010 9:23AM	CZ
Turbidity, Turb	2.1	NTU	0.1	SM 2130 B (18th Ed.)	6/9/2010 4:27PM	JB
Total Dissolved Solids (Calc), TDS	575	mg/L	5	Calculation		
Hardness (CaCO3)	420	mg/L	10	Calculation		

RL = Reporting Limit

NA = Not Applicable



Servi-Tech Laboratories

1602 Park West Dr. • PO Box 169 • Hastings, NE 68902
www.servitechlabs.com

Phone: 402.463.3522 • 800.557.7509 • Fax: 402.463.8132

Lab #: H-2010NL002433

LABORATORY REPORT

Report Date: 06/10/2010 02:34 pm

Analysis	Result	Unit	RL	Method	Analysis Date/Time	Tech
Hardness (CaCO ₃)	24	grains/gal	0.6	Calculation		
Electrical Conductivity, EC	0.899	mmho/cm	0.0001	SM 2510.B (20th Ed.)	6/10/2010	CZ

Result Notes

- The sample was received and analyzed outside the regulatory holding time for this analyte.

Additional Information

Analysis	Result	MCL	SMCL
Nitrate Nitrogen, NO ₃ -N	0.19 mg/L	10	N/A
Chloride, Cl	32 mg/L	N/A	250
Sulfate, SO ₄	51 mg/L	N/A	250
Sulfate-Sulfur, SO ₄ -S	17 mg/L	N/A	N/A
Total Alkalinity, at 21°C	390 mg/L	N/A	N/A
Bicarbonate, at 21°C	470 mg/L	N/A	N/A
Total Calcium, Ca	120 mg/L	N/A	N/A
Total Magnesium, Mg	28 mg/L	N/A	N/A
Total Potassium, K	4 mg/L	N/A	N/A
Potassium as K ₂ O	4.8 mg/L	N/A	N/A
Total Sodium, Na	26 mg/L	N/A	N/A
Total Iron, Fe	0.31 mg/L	N/A	0.3
Total Manganese, Mn	0.006 mg/L	N/A	0.05
pH, at 21°C	8.5 units	N/A	6.5-8.5
Turbidity, Turb	2.1 NTU	N/A	N/A
Total Dissolved Solids (Calc), TDS	575 mg/L	N/A	500
Hardness (CaCO ₃)	420 mg/L	N/A	N/A
Hardness (CaCO ₃)	24 grains/gal	N/A	N/A
Electrical Conductivity, EC	0.899 mmho/cm	N/A	N/A

MCL = Maximum Contamination Level (Primary standard, health effects)

SMCL = Secondary Maximum Contamination Levels (Non-health effects)

NA = Not Applicable



Serv-Tech Laboratories

1602 Park West Dr. • PO Box 169 • Hastings, NE 68902

www.servitechlabs.com

Phone: 402.463.3522 • 800.557.7509 • Fax: 402.463.8132

Lab #: H-2010NL002433

LABORATORY REPORT

Report Date: 06/10/2010 02:34 pm

Certification Information

- EPA ID No. NE00003
- Nebraska Certification No. NE-04-07

Interpretations for Drinking Water (40 CFR 141)

NITRATE LEVEL - SAFE: The U.S. Public Health Service (USPHS) considers water with nitrate nitrogen levels at or below 10 mg/L to be acceptable for all uses (below the standard). Recommend testing for nitrate nitrogen each year until a consistent record of low nitrate is established.

IRON LEVEL - HIGH: The U.S. E.P.A. has established a secondary (non-health related) maximum contaminant level for iron at 0.3 mg/L. Excess iron may cause disagreeable taste, staining, and reddish-to-brownish deposits. High iron levels may be caused by the presence of iron bacteria (which is not harmful to health) in the water system. Chlorination and/or water treatment is suggested to correct the problem. Consult with a water treatment firm to choose the best treatment method.

HARDNESS LEVEL - HARD: Hard water requires more detergent for cleaning and often forms "soap scum". When heated above 140 degrees F, hardness minerals may form scale deposits in plumbing and appliances. Pretreatment with a water softener or softening agent may be beneficial. If water is heated or frozen, minerals may precipitate and form deposits in ice and beverages.

DISSOLVED SALTS - ACCEPTABLE: A TDS level between 500 and 1000 mg/L is considered to be acceptable. Depending upon the salts present, there might be some affect on the palatability of the water.

SODIUM: Individuals on a restricted sodium diet should consider the contribution of the sodium in drinking water when planning diets. Each 1 mg/L (part per million) sodium in this drinking water is equivalent to 1.1 mg (milligram) per quart. It may be possible to adjust treatment equipment or use a potassium regenerant material to reduce the sodium level. Consult your physician if dietary sodium is a concern.

Sample Acceptability Criteria

Sample not received 'on ice'.

NA = Not Applicable

**LANCASTER COUNTY ENGINEERING DEPARTMENT
AGENT CALL REPORT**

OWNER: Douglas B. & Kimberly Rath Co-Trustees	PROJECT NO.: C55-M-407(1)
ADDRESS: 2770 Woodscrest Ave. Lincoln, NE 68502	TRACT NO.: 4
HOME PHONE: 402-	CELL PHONE: 402-
WORK PHONE: 402-	E-mail:

CALL DATE	VISIT NO.	AMOUNT OFFERED	SALVAGE OFFERED	COUNTER OFFER	PERSONS PRESENT
7/28/2010	2	NA	NA	NA	Alex O, Chris (Moser Well Drilling) Jim S., Doug (Farm Hand), & Douglas R.

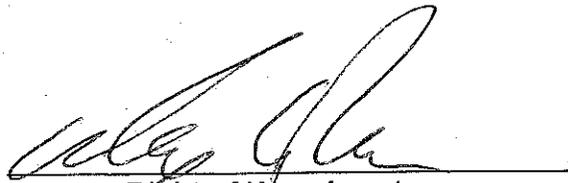
REPORT OF DISCUSSION:

Jim S. and I met Chris from Moser Well Drilling, Douglas R., & Doug to discuss the well on the property.

Chris with Moser did the test on the well. He figured it was capable of around 16 gpm with a drawdown of about 5 to 6 feet. The pump was run for about 50 to 55 min. Chris's cell number is 430-7632; the office # is 477-7291.

Doug told me they took a sample of the well water and sent it in to be tested and is going to send me a copy of the test results. The best way to get in touch with Doug is to call Lori Huebner with Talent +, she will then set a time for you to meet with Doug. Lori's # is 489-2000.

SIGNED:



Right-of-Way Agent

James J. Shotkoski

From: James J. Shotkoski
Sent: Wednesday, November 17, 2010 2:55 PM
To: 'mhunzeker@baylorevnen.com'
Subject: Doug Rath Property: NW 70th & Superior
Attachments: Rath Fee Simple Contract .doc; Rath Permanent Easement Contract.doc; Rath Temporary Easement Contract.doc

Mark,

Enclosed are copies of the Fee Simple, Permanent and Temporary Easement Contracts. The documents assume fifty foot (50') of new right-of-way and an abutting ten foot (10') permanent easement along NW 70th. The temporary easement is as originally designed.

I have not included copies of the Warranty Deed or Permanent Easement Agreement. The Warranty Deed is written as sixty foot (60') or right-of-way, and the Permanent Easement is for 0.13 Acres. These documents will need to be rewritten to reflect the new areas.

Thanks again for all your cooperation.

Jim

James J. Shotkoski

From: Mark A. Hunzeker [MHunzeker@baylorevnen.com]
Sent: Tuesday, January 04, 2011 2:13 PM
To: James J. Shotkoski
Subject: RE: ROW Requirements: NW 70th & West Superior St

Jim:

Happy New Year to you also! I need to review the information here with reference to the drawings in the file, but at first glance these changes appear to address most of our concerns. I'll review it with Doug and get back to you.

Thanks.

Mark

From: James J. Shotkoski [<mailto:jshotkoski@lancaster.ne.gov>]
Sent: Tuesday, January 04, 2011 2:01 PM
To: Mark A. Hunzeker
Cc: Douglas A. Pillard
Subject: ROW Requirements: NW 70th & West Superior St

Mark,

A belated best wishes for the new year. The County is still trying to execute the needed right-of-way documents on Doug Rath's property adjacent to NW 70th south of W. Superior. The County is cognizant of Mr. Rath's concerns, and in an effort to mitigate damages is proposing to amend the right-of-way requirements, to reflect those concerns, to wit:

- The right-of-way will involve a total of fifty foot (50'). As a result, the right-of-way requirements will total 2.34 acres, more or less, of which 1.56 acres, more or less, is existing county road right-of-way, resulting in a net additional right-of-way of 0.78, acres, more or less.
- The County will acquire a ten foot (10') permanent easement adjacent to the fee simple taking to account for future development as well as two (2) permanent easements for maintenance and construction of drainage areas. This will result in total permanent easement requirements of 0.72 acres, more or less.
- The County will adjust the right-of-way requirements and limits of construction to avoid issues with the on-site well.
- In addition, the County will adjust the limits of construction and temporary easement on the south portion of the site to miss the evergreen trees. This will result in total temporary easement requirements in approximately three different locations of 0.35 acres, more or less.

I am hopeful this will prove satisfactory for Mr. Rath and we can execute the needed documents within the next two or three weeks, to insure completion of construction this summer.

Take Care.

Jim Shotkoski
Co Engineering Dept

James J. Shotkoski

From: James J. Shotkoski
Sent: Tuesday, January 25, 2011 3:12 PM
To: 'mhunzeker@baylorevenen.com'
Cc: Douglas A. Pillard
Subject: RE: Rath Drawing

Mark,

Just a quick note. Have you had an opportunity to discuss this project with Mr. Rath in light of the recent changes. I will need some time to get the contracts and legal descriptions, etc., finalized so we can move forward with advertising for bids, etc.

As such, I'm getting short on time to conclude negotiations.

Thanks.

Jim

From: Douglas A. Pillard
Sent: Friday, January 21, 2011 1:33 PM
To: 'Mark A. Hunzeker'
Cc: James J. Shotkoski
Subject: RE: Rath Drawing

Mark:

Attached is a set of the construction drawings for NW 70th Street. I hand corrected the limits and cross-sections where we have adjusted for the trees on the south end and the well. Also, the ROW shown on the plan-profile sheets is not accurate. These plans were prepared by a consultant and will be revised at a later date when all changes are finalized.

Doug Pillard

From: Mark A. Hunzeker [mailto:MHunzeker@baylorevenen.com]
Sent: Wednesday, January 19, 2011 9:44 AM
To: Douglas A. Pillard
Cc: James J. Shotkoski; Lori Hiebner; Doug Rath
Subject: RE: Rath Drawing

Doug:
Thank you for the clarification. It is very helpful, and consistent with our understanding of the intent of the revisions. I will review this with Doug Rath and get back to Jim.
Mark

From: Douglas A. Pillard [mailto:dpillard@lancaster.ne.gov]
Sent: Wednesday, January 19, 2011 8:57 AM
To: Mark A. Hunzeker
Cc: James J. Shotkoski
Subject: RE: Rath Drawing

Mark:

Jim forwarded your questions and I have the following response:

1. The well is located at Sta. 38+53, 35' Left. The driveway you referred to is at Sta. 39+20 and the well is south from there.
2. The intent is to avoid the large evergreens on the south end of the property. The trees are 80 feet from section line. The limit of construction is 75 feet from section line. Matching the aerial to our plans is not perfectly accurate. A condition in the contract stating that the trees will not be disturbed would be good.

Doug Pillard

From: James J. Shotkoski
Sent: Tuesday, January 18, 2011 7:03 AM
To: Douglas A. Pillard
Subject: FW: Rath Drawing

Doug,

Let me know, and I will address Mark Hunzeker's concerns.

J

From: Mark A. Hunzeker [mailto:MHunzeker@baylorevnen.com]
Sent: Monday, January 17, 2011 2:39 PM
To: James J. Shotkoski
Cc: Lori Hiebner; Doug Rath
Subject: RE: Rath Drawing

Jim:

Two questions about the drawing.

1. I see a gap in the ROW and Temp. Easement to be acquired between Sta. 38+00.00 and Sta. 39+00.00. Is that where the well is located? When I looked back at my notes in the file I have a hand-written note under the picture of the well in the appraisal. It says "Sta. 39+50 +/-" I don't know which is right. Can you confirm one way or the other? Or do we need to have it located? I do think it's pretty close to that area, because the picture in the appraisal has a gate in the background, and the aerial photo shows a driveway track running down to the area between Sta. 39+00.00 and 39+50.00.
2. It appears that the Temp Easement area goes west far enough to take out the row of trees planted closest to the road. I thought the intent was to stay away from those trees?

Mark

From: James J. Shotkoski [mailto:jshotkoski@lancaster.ne.gov]
Sent: Friday, January 14, 2011 2:07 PM
To: Mark A. Hunzeker
Subject: FW: Rath Drawing

Mark,

See attached for the revised right-of-way on Doug Rath's property.

I will forward a copy of the drawing for your records. I hope this will allow us to complete negotiations. As Doug Pillard mentioned, the legal descriptions will be revised and will be available early in the week.

One last point, I am under the assumption, these are the only remaining issues to resolve, and we are OK on the remaining items, i.e., underlying fee values, etc.

Take Care.

Jim

From: Douglas A. Pillard
Sent: Friday, January 14, 2011 2:00 PM
To: James J. Shotkoski
Subject: Rath Drawing

Jim:

Here is the revised drawing. The contracts can be revised from this. The legal descriptions will be available early next week.

Doug Pillard
Lancaster County Engineering
402-441-7681

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James J. Shotkoski

From: James J. Shotkoski
Sent: Tuesday, February 08, 2011 8:36 AM
To: 'mhunzeker@baylorevnen.com'
Cc: Douglas A. Pillard; Don R. Thomas
Subject: Doug Rath Property

Mark,

Just a quick note. The County is moving forward on Doug Rath's Property. In order to insure sufficient time for completion of the scheduled NW 70th Street improvements this Summer, Don Thomas has signed a "Last and Best" Letter that will be sent today.

I know Doug Rath doesn't desire to stop our project; however, to insure the integrity of the project, we have to move forward to acquire the needed right-of-way as expeditiously as possible to insure sufficient time to complete other requirements prior to the start of this construction season.

If the County has to acquire the right-of-way, via Eminent Domain Proceedings, will condemn for a sixty-foot (60') Fee Simple Taking, as well as the needed partial interests; however, until we get to this point, the County is willing to consider the fifty-foot (50') fee taking and accompanying ten-foot (10') Permanent Easement as previously discussed. In either instance, the project will not impact the on-site well; however, the trees may be a different story.

Thank you for your efforts in this process.

Give me a call when you have had an opportunity to visit with Doug, and hopefully, we can come to an agreement, prior to having to use Eminent Domain.

Take Care.

Jim