



## LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581  
P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

AGENDA ITEM #12

### Memorandum

**Date:** June 14, 2022

**To:** Each Director

**From:** Paul D. Zillig, Assistant Manager

**Subject:** Urban Subcommittee Meeting Minutes

The Urban Subcommittee met at 6:00 pm on Monday, June 14, 2022 in the NRD Conference Room in Lincoln. Subcommittee members present included Tom Green, Ray Stevens, Lisa Lewis, John Yoakum and David Landis. Others present included Sharon Kresse, Chad Wemhoff, and Michael Boehm all of the Pine Lake Homeowners Association, Mark Palmer of Olsson representing Matodol LLC, Deborah Eagan, Mark Lindemann, Al Langdale, David Potter, Tracy Zayac, and myself.

Chair Green opened the meeting and welcomed those in attendance. Green asked staff to report on the first agenda item. Zayac then reported on the efforts of the Pine Lake Homeowners Association to improve their lake and watershed (see attached memo). Boehm, Kresse, & Wemhoff talked about their impact on the Beal Slough watershed and their efforts to improve the lake/watershed as development occurred around them. They indicated that the 142 homeowners in their association are generally supportive of the watershed analysis and outlet structure evaluations and they will have more discussion on future projects concerning their lake and dam.

It was moved by Landis, seconded by Yoakum, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve the Pine Lake Homeowners Association Board's request for 50% cost-share assistance for watershed analysis and outlet structure evaluation and design at a cost, not to exceed \$49,500 of NRD cost, for the Pine Lake Watershed Rehabilitation Project.**

Zayac then reported on access to Stevens Creek Master Plan Project #17 just northwest of 98<sup>th</sup> and Van Dorn. Zayac reported that access will become more difficult as the access evolves from coming off of a county road to a 4-lane arterial roadway with curbs & trail/sidewalks and the easement becomes part of several individual lots (see attached memo). Zayac reported on the proposed release of the existing access easement and in return three new access easements from interior streets. Palmer expressed the landowner's interest in this win:win solution.

It was moved by Stevens, seconded by Landis, and unanimously approved by the Subcommittee to **recommend the Board of Directors authorize the exchange of access**

**easements with Matodol, LLC for Stevens Creek Master Plan Project #17 in the Wandering Creek Subdivision near 98th & Van Dorn.**

The final agenda item was to consider an engineering services agreement for the design of streambank stabilization measures along the north bank of Salt Creek between 10<sup>th</sup> & 13<sup>th</sup> Streets. Langdale reported on his conversations with Ross Lawrence of JEO Consulting Group concerning the proposed work. Attached is the proposed engineering services agreement to complete the work thru bidding.

It was moved by Landis, seconded by Stevens, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve Amendment #1 to the Engineering Services Agreement with JEO for the geotechnical evaluation, permitting, design, bidding and advertising for streambank stabilization measures for Salt Creek from 10th to 13th Streets, at a cost not to exceed \$45,855.**

With no other business the meeting was adjourned at 6:25 pm.

PDZ/pz



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## Memorandum

**Date:** June 2, 2022  
**To:** Urban Subcommittee  
**From:** Tracy Zayac, Stormwater/Watershed Specialist  
**Subject:** CAP Project for consideration at June 13, 2022, meeting

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1. CAP.2022.001, Pine Lake HOA watershed analysis and outlet structure design: The Pine Lake HOA is engaged in a multi-phase project to rehabilitate their lake, dam, and associated erosion-control structures upstream of the lake. The first phase of the project involved the emergency repair of the dam outlet pipe, on which the NRD provided cost-share in 2020. The HOA is now preparing to embark on the second phase of the project, which includes (1) analyzing the Pine Lake watershed to determine volume of received runoff at the current level of urban development surrounding the lake and (2) designing new outlet structures for the main Pine Lake dam and an upstream sediment holding pond located on the golf course. The HOA will also undertake a lake grading plan, associated with future plans for dredging the lake, but this task is not part of their cost-share request.

Total cost for this phase of the Pine Lake project is \$114,000. Pine Lake HOA is requesting cost-share through the Community Assistance Program for \$49,500, which is 50% of eligible project phase tasks: watershed analysis and outlet structure evaluation and design.

Enc.: Pine Lake HOA request information

02 JUN 2022 (Originally submitted to LPSNRD on 31 MAY 2022 and modified)

**To: Lower Platte South Natural Resource District**

**From: Pine Lake Homeowners Association Board**

(PLA POC - Mike Boehm, [mcboehm1990@gmail.com](mailto:mcboehm1990@gmail.com), 614-264-1482 Cell)

**Re: Scope of Project and Request for Cost Share**

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The Pine Lake Association (PLA) Board seeks to provide an overview of a large project in the Pine Lake watershed of the Upper Beal (Figure 1). We want to share the full scope of the project with you and would like to ask for cost sharing at each step as we proceed. The viability of the project will depend on the cost-share support of the LPSNRD.

The residents of Pine Lake take an integrated and holistic approach to the management of both the waters coming into our watershed from outside the neighborhood and from challenges within the neighborhood. ***The goal of our efforts at Pine Lake, is for the water leaving the Lake and flowing into the Upper Beal, to be cleaner than when in first entered our neighborhood and portion of the Pine Lake watershed.***

PLA asked Ben Higgins, Superintendent of Stormwater in Lincoln's Office of Watershed Management, to diagram the Pine Lake watershed (Figure 2). Most water into Pine Lake flows in from the Southeast. Intense development has occurred around PLA since the Lake was dredged in 1996. This development has led to the accelerated build-up of sediment in the network of PLA-managed holding ponds and in the Lake itself. According to a 2021 bathymetric and depth of sediment survey of Pine Lake, The Flatwater Group (TFG) estimates there is currently approximately 55,000 cy of sediment deposition.

While open lots suitable for development in the Eastern portion of the Pine Lake watershed are available, the most intensive development is now complete. ***It is the intent of the PLA to repair the holding ponds, install rock checks and erosion control, assess, repair, and update critical outlet structures and water retention systems and dams, and remove the sediment that has accumulated in Lake over the past 25 years.*** Our goal is to improve the watershed's and Lake's overall health, longevity, and structural integrity. We believe this will result in a cleaner and more healthy Lake and numerous positive impacts on the water quality in the Upper Beal including improved sediment control, enhanced stormwater management and flood control downstream.

The completion date for the entire project at Pine Lake is for the Summer of 2024. It is PLA's intention to retain TFG to determine the engineering and design needs of the Pine Lakes two dams and outlet structures, holding ponds, the dredging of the Lake, the adjoining golf course and overall management of the project (Figure 2).

PLA plans to engage TFG to provide engineering and design services and construction management. Their services will include:

- Design for rock checks on the waterways flowing through the golf course. They will be placed and to stabilize the existing channel. The golf course, situated above Pine Lake and owned by the PLA, serves a significant role in the protection of the watershed above the Lake in terms of sediment control and as a nutrient filter.
- The sediment basins (holding ponds) will be improved and stabilized. Overrunning, caused from development around Pine Lake, has been a problem and is weakening their structural integrity. An important sediment basin at the Southeast end of the Pine Lake golf course will need to be repaired and redesigned; the inlet pipe has corroded and is beyond repair.
- Rehabilitation of two dams and outlet structures (Figure 2, orange circles).
- Design of sediment removal from the Lake.

## SUMMARY OF NEED FOR PROJECT COMPLETION

### Value of Pine Lake Watershed

#### **1. Storage Capacity for Storm Events**

- a. Removal of excess sediment in the holding ponds and the lake will increase storage capacity at Pine Lake.

#### **2. Sediment Control for Water Flowing into the Upper Beal**

- a. The smaller holding ponds and the lake itself function as sediment controls for Beal Slough.

#### **3. Water Quality Leaving the Watershed**

- a. Actions taken by Pine Lake will ensure that the quality of the water flowing into Beal Slough will be cleaner than when it first entered the neighborhood of Pine Lake

### Issues for The Watershed

#### **1. Inlet Pipe, Riser, and Outlet Pipe Replacement at the Main Dam/Water Control Structure**

- a. The pipes are over 60 years old. The outlet pipe failed inspection by Nebraska Dam Safety and an emergency repair had to be made to the outlet pipe in 2020. This was not a permanent solution and did not address the entire structure. The dam offers protection for Highway 2 and Beal Slough.
- b. The inlet and riser pipes have corroded and threatens the integrity of the dam.
- c. As is, it is unsafe for members of the PLA to adjust the water level of the lake given the antiquated engineering and eroded structural integrity of the riser.
- d. The outlet pipe may need to be replaced depending on the assessment of our engineers.

#### **2. Degradation of 3 Holding Ponds**

- a. One holding pond (Figure 2 - smaller orange circle to the East of the Lake) serves as a small dam/water control structure and has corroded piping threatening its long-term structural integrity and will need to be repaired/replaced.
- b. The two holding ponds at the South end of the Lake are so filled with sediment that their dams overflow during storm events – these will need to be dredged and repaired.

#### **3. Erosion and Sediment from the Golf Course Area**

- a. Rock checks and bank reinforcement is needed to control runoff that occurs from outside the neighborhood through the golf course area.

### PLA Cost-share Request of LPSNRD

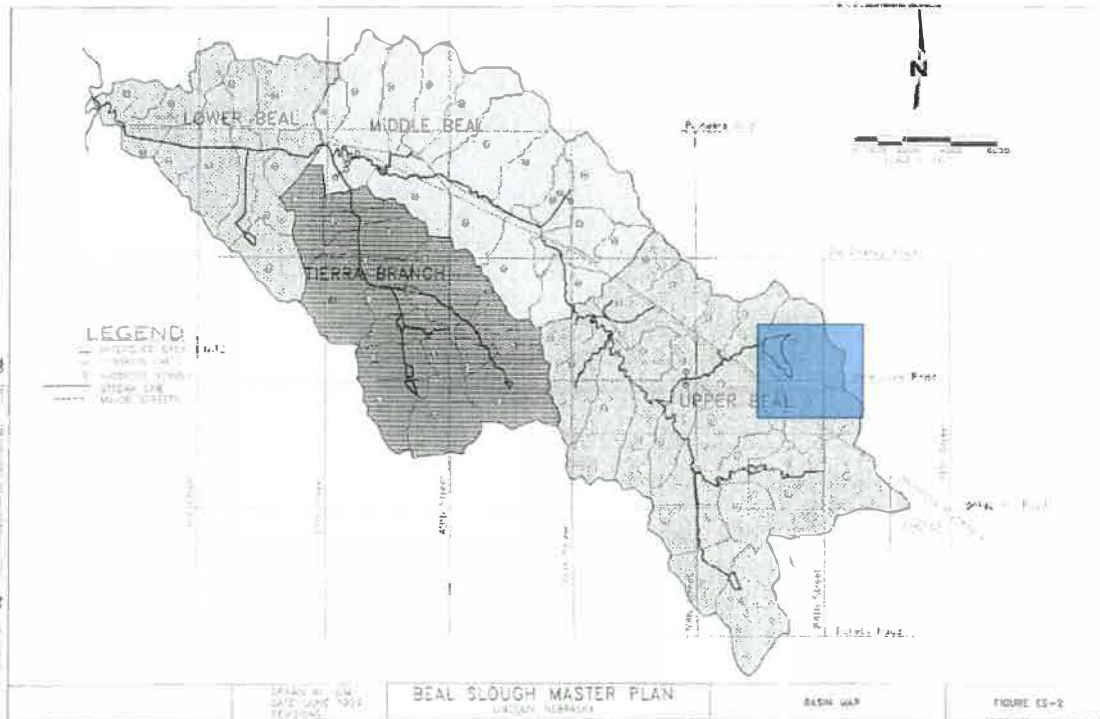
PLA is asking for a cost-share from LPSNRD for:

- a. **\$49,500** now to help offset costs associated with the Pine Lake Watershed assessment and sediment loading analysis and the evaluation, preliminary design, and final design of the two dam/water control systems (orange circles) – Phase II. Once received, we will retain TFG to conduct the work outlined in the timeline and planning budget under Phase II. **See attached TFG Revised Scope of Work requested on 02 JUN 2022 and Exhibit B – Professional Engineering Services – Fee Estimate Summary – All Tasks for details.**
- b. **~\$247,500** next summer to help cover Phase IV TFG Construction Management and construction costs of the dam/water control systems replacement, the removal of sediment from the sediment holding/capture ponds (2) to the South of the Lake, and the water retention/sediment capture improvements on the Pine Lake golf course – as outlined in the timeline and planning budget. **See attached TFG Revised Scope of Work requested on 02 JUN 2022 and Exhibit B – Professional Engineering Services – Fee Estimate Summary – All Tasks for details.**

## Pine Lake Watershed Rehabilitation Project Timeline and Draft Planning Budget

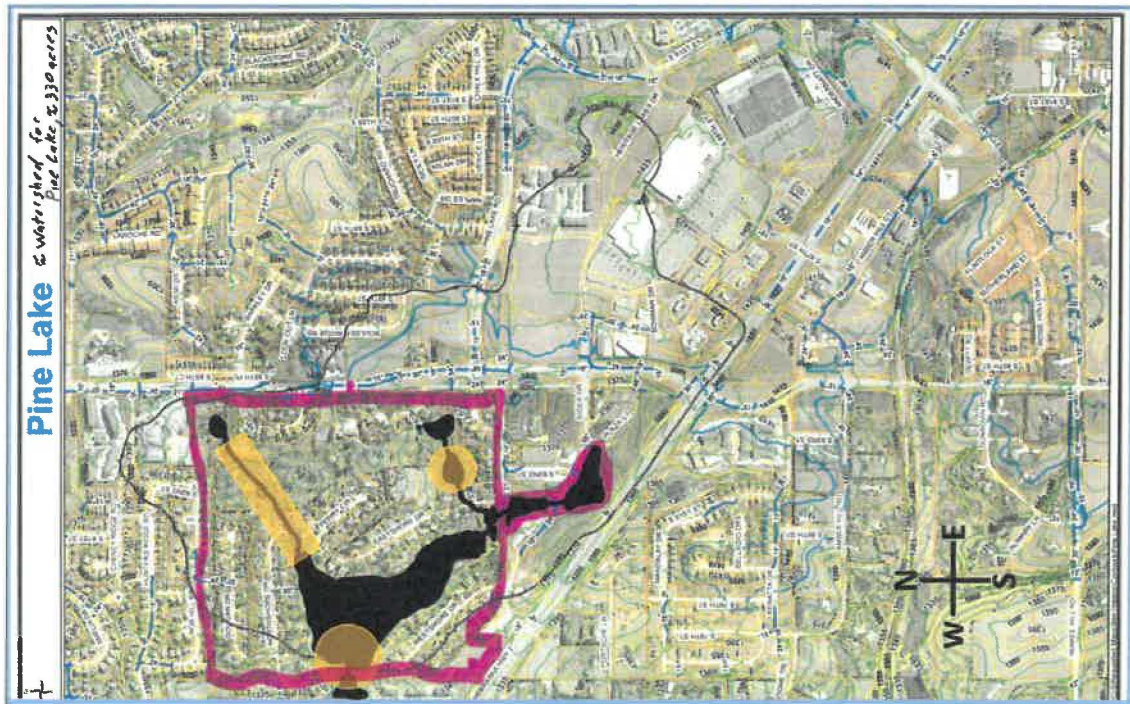
Phase	Timeline	Total Cost - completed, pre-paved, estimate	Funding Sources			LPSNRD Cost-Share
			PLA			
			Existing	Borrowing	Assessments	
0. Emergency Repairs Main Dam	Summer 2020	\$ 102,934	\$ 62,406			\$ 40,528
I. Bathymetric & Sediment Depth Survey	Fall 2021	\$ 25,000	\$ 25,000			
<b>II. Watershed Assessment &amp; Outlet Structures</b>						
100 - Project Management	Summer/Fall 2022	\$ 10,000	\$ 5,000			\$ 5,000
200 - Pine Lake Watershed Analysis		\$ 16,000	\$ 8,000			\$ 8,000
300 - Preliminary Design: Lake Bottom Grading Plan		\$ 15,000	\$ 15,000			
400 - Outlet Structure Evaluation		\$ 19,000	\$ 9,500			\$ 9,500
500 - Preliminary Design: Outlet Structures (2)		\$ 32,000	\$ 16,000			\$ 16,000
600 - Final Design: Outlet Structures (2)		\$ 22,000	\$ 11,000			\$ 11,000
						<b>\$ 49,500</b>
III. Finalize Financing of Project	Summer 2022 - Summer 2023	No Cost				
<b>IV. Construction Management</b>						
700 - Permitting	Fall 2023 - Spring 2024	\$ 6,000	\$ 5,000			\$ 1,000
800 - Final Design: Lake Bottom Grading Plan		\$ 20,000	\$ 20,000			
900 - Bidding Services		\$ 6,000	\$ 4,000			\$ 2,000
1000 - Construction Related Services		\$ 22,000	\$ 11,000			\$ 11,000
1100 - Construction Observation/Inspection		\$ 38,000	\$ 25,000			\$ 13,000
1200 - Final As-Built Plans		\$ 14,000	\$ 10,000			\$ 4,000
						<b>\$ 247,500</b>
<u>Estimated Construction Costs</u>						
Removal of Sediment - 2 holding ponds		\$ 8,000	\$ 4,000			\$ 4,000
Excavation of Lake (25,000 c/y @ \$25 c/y)		\$ 1,375,000	\$ 125,000	\$ 350,000	\$ 900,000	\$ 4,000
Watershed Improvements on Pine Lake golf course		\$ 75,000	\$ 37,500			\$ 37,500
Outlet Structures Construction (2) (cost est. \$100-\$350K)		\$ 350,000	\$ 175,000			\$ 175,000
<b>Subtotals for PLA</b>			\$ 568,406	\$ 350,000	\$ 900,000	
		<b>Totals for PLA and LPSNRD</b>			\$ 1,818,406	\$ 337,528
		<b>Grand Total</b>			\$ 2,155,934	





**Figure 1.** The Beal Slough watershed showing the approximate Pine Lake watershed boundary (approximately 330 acres) designated by the blue box.

Source: <https://app.lincoln.ne.gov/city/itu/watershed/master-plan/beal-slough/>.



**Figure 2.** An expanded view of the ~330 acre-Pine Lake watershed area (i.e., Blue Box from Figure 1) showing approximate watershed boundary marked by thin black line. The Pine Lake Association (PLA) actively manages ~50% of the Pine Lake watershed (pink boundary). The orange circles represent the two dam/outlet structures that will be evaluated and remediated. The solid black represents Pine Lake and its associated network of sediment ponds. The orange rectangle represents a small waterway that runs through the golf course and that will be evaluated. Water from Pine Lake flows into the Upper Beal to the from the Lake to the West.

Source: Ben Higgins, Superintendent of Stormwater, Office of Watershed Management, City of Lincoln.

**Pine Lake Homeowner's Association**

**Pine Lake: Lake Rehabilitation and Maintenance Project**

**Revised Scope of Work – Requested on 2 June 2022 and includes evaluation AND design of repair and/or replacement of two (2) water level control structures (primary dam/outlet works and smaller sediment pond east of the lake near the golf course), lake bottom grading plan design components (preliminary and final design), permitting, bidding Services, construction related Services and construction observation/inspection, and final as-built plans**

**Note: Task numbers will be slightly different from previous scopes of work presented to Pine Lake HOA. Also, with addition of evaluation of stabilization measures on waterways within the golf course there has been a modification to labor estimate for Tasks 400-700. Project Management Task (Task 100) now includes labor estimate for all tasks (200-1200).**

**Task 100: Project Management:** Provide project management for all phases of the project.

**Task 200: Analysis and Pine Lake Watershed. Prepare a Technical Memorandum addressing sedimentation rates, basin capacity volumes for the Pine Lake watershed.**

**Task 201: Sedimentation Data Analysis.** TFG's analysis will include development of a watershed yield and sediment loading model for Pine Lake. The model will consider existing topography, land use, and soil conditions to estimate typical annual and monthly inflows to Pine Lake based on historical weather data. The model results will inform sedimentation structure design to maximize trapping efficiency. Average annual sediment capture rates will be calculated to determine basin capacity and cleanout frequency.

**Task 202: Data Review Meeting.** TFG will host a meeting/conference call to review the sedimentation data analysis.

**Task 203: Memorandum Submittal.** TFG will prepare and submit a technical memorandum with the findings of the analysis. The submittal will include a description of analysis, presentation of data and associated figures.

**Task 200 – Key Understandings:** sediment loading analysis will be employed for existing sediment basins.

**Task 200 – Task Deliverables:** Technical memorandum and associated maps/figures.

**Task 300: Preliminary Design: Lake Bottom Grading Plan. Provide necessary drawings, technical analysis, etc. to complete the preliminary design:** This task will include calculations for design elevations (grading plans), slopes, extents, material types, etc. and other parameters.

**Task 301: Preferred Alternative Design Calculations.** TFG will prepare design calculations and data analysis to achieve design parameters based on the preferred maintenance project.

**Task 302: Develop and Prepare Drawings (Preferred Alternative).** TFG will prepare interim design plan sheets. TFG will provide electronic sets of the interim design drawings to HOA rep. Plans will be distributed 10 days in advance of the project team review meeting.

**Task 303: Preliminary Technical Specifications (Preferred Alternative).** TFG will develop technical specifications and deliver electronically.

**Task 304: Preliminary Cost Estimate (Preferred Alternative).** TFG will prepare interim stage construction cost estimate and deliver with the detailed plans.

**Task 305: Review Meeting.** TFG will host and conduct an interim design review meeting.

**Task 300 – Key Understandings:** The preliminary plans and specifications will be developed for a preferred alternative. The preliminary plans and specifications will not be sealed as final by Engineer.

**Task 300 – Task Deliverables:** Preliminary drawings and technical specifications, construction cost estimate, project team and agency correspondence documentation.



**Task 400: Outlet Structure Evaluation (2): (Main dam/outlet control structure and smaller sediment basin east of the lake). *Provide an evaluation necessary to provide an opinion of design options and probable construction costs for outlet structure modification or replacement.***

**Task 401: Review of Outlet structure.** TFG will coordinate with the HOA rep for a site inspection of the existing outlet structure. This task will include field inspection by TFG Engineer with photo-documentation and field measurements (does not include submerged camera or structure entry).

**Task 402: Field Investigation of Golf Course Channel.** TFG will coordinate a site visit/walk-thru with the HOA rep to investigate the waterways within the golf course and review channel stabilization features as identified by the HOA.

**Task 403: Review Recently completed Outlet Pipe Repair Plans.** TFG Engineer will review recent outlet pipe repair plans and additional historic documents provided by HOA rep.

**Task 404: Meet with Nebraska Department of Natural Resources – Dam Safety.** TFG Engineer will meet/correspond with the NE DNR dam safety personnel and obtain safety inspection reports and opinions of current structure.

**Task 405: Alternative Evaluation/Analysis.** TFG Engineer will assess reasonable options for repair or replacement of the outlet structure and provide necessary schematics, engineering design cost estimate (for final design) for HOA evaluation.

**Task 406: Cost Estimate.** TFG will provide planning-level construction cost estimate for alternative(s) considered as part of Task 404.

**Task 407: Review Meeting.** TFG will host and conduct a review meeting in conjunction with the lake grading plan review meeting.

Design for rock checks on the waterways flowing through the golf course. They will be placed and to stabilize the existing channel.

**Task 400 – Key Understandings:** This task does not include soil borings, geotechnical investigation, structural design, scuba investigation, or submersible camera work. This task does include field visit on the golf course to review channel stabilization needs.

**Task 400 – Task Deliverables:** Opinion of evaluation, preliminary schematics (if necessary), planning-level cost estimate, project team and agency correspondence documentation.

**Task 500: Preliminary Design: Outlet Structures (2) (Main dam/outlet structure and smaller sediment basin east of the lake). *Provide necessary drawings, technical specifications, etc. to complete the preliminary design:*** This task will include calculations for design elevations, slopes, extents, material types, and other parameters.

**Task 501: Preferred Alternative Design Calculations.** TFG will prepare design calculations and data analysis to achieve design parameters based on the preferred alternative.

**Task 502: Develop and Prepare Drawings (Preferred Alternative).** TFG will prepare interim plan sheets at the 65% stage. TFG will provide electronic sets of the 65% stage drawings to HOA rep. Plans will be distributed 10 days in advance of the project team review meeting.

**Task 503: Preliminary Technical Specifications (Preferred Alternative).** TFG will develop technical specifications at the 65% stage and deliver electronically.

**Task 504: Preliminary Cost Estimate (Preferred Alternative).** TFG will prepare 65% stage construction cost estimate and deliver with the detailed plans.

**Task 505: 65% Review Meeting.** TFG will host and conduct the Preliminary Plan (65%) review meeting with the HOA rep.

**Task 500 – Key Understandings:** The 65% review meeting will be considered a formal milestone meeting necessary to arrive at appropriate design solutions. The meeting will be with the HOA rep. and

not include presentation to others. This task is for outlet structures (2) and golf course waterway stabilization features only and does not include lake bottom grading plan and design.

**Task 500 – Task Deliverables:** Preliminary drawings and technical specifications, construction cost estimate, review meeting agenda, follow-up minutes, project team and agency correspondence documentation.

**Task 600: Final Design: Outlet Structures (2) (Main dam/outlet structure and smaller sediment basin east of the lake).** *Provide necessary drawings, technical specifications, etc. to complete the final design:* This task will include final calculations for design elevations, slopes, extents, material types, and other parameters. After the design calculations and parameters have been developed, the overall final design will be completed.

**Task 601: Design Calculations.** TFG will prepare final design calculations and data analysis to achieve design parameters.

**Task 602: Develop and Prepare Final Drawings.** TFG will prepare final plan sheets at the 95% stage. TFG will provide electronic sets of the 95% stage drawings to HOA rep. Plans will be distributed to HOA rep 10 days in advance of the project team review meeting.

**Task 603: Final Technical Specifications.** TFG will develop technical specifications at the 95% stage and deliver electronically.

**Task 604: Final Cost Estimate.** TFG will prepare 95% stage construction cost estimate and deliver with the detailed plans.

**Task 605: 95% Review Meeting/Conference Call.** TFG will host and conduct the Final Plan (95%) review meeting/conference call with the HOA rep.

**Task 606: 100% Submittal.** The final submittal will include electronic copies of all drawings (pdf file format) and technical specifications (pdf format).

**Task 600 – Key Understandings:** The 95% review meeting will be considered a formal milestone meeting necessary to arrive at appropriate design solutions and will include TFG and HOA rep. This task does not include presentation to others. This task is for outlet structures (2) and golf course waterway stabilization features only and does not include lake bottom grading plan and design.

**Task 600 – Task Deliverables:** Final drawings and technical specifications, construction cost estimate, review meeting agenda, follow-up minutes, project team and agency correspondence documentation.

**Task 700: Permitting.** *Anticipated permits will include local flood plain permit(s), USACE Regulatory 404, NPDES (SWPPP) and NDEQ 401. Identify, research, and apply for permits and associated review periods for the project:*

**Task 701: USACE 404 permit application.** TFG will assist HOA with the application for a Nationwide project permit under Section 404 of the Clean Water Act.

**Task 700 – Key Understandings:** This scope of work does not include cultural resources surveys, wetland delineation or stream assessment as it is anticipated that all sediment removal will occur in current lake proper. If it is determined that a wetland delineation is required for any portion of the work, a scope modification for those services will be presented to the HOA rep.

**Task 700 – Task Deliverables:** Permit applications, correspondence follow-up minutes, project team and agency correspondence documentation.

**Task 800: Final Design: Lake Bottom Grading Plan.** *Provide necessary drawings, technical specifications, etc. to complete the design:* This task will include final calculations for design elevations, slopes, extents, material types, and other parameters. After the design calculations and parameters have been developed, the overall final design will be completed.

**Task 801: Design Calculations.** TFG will prepare final design calculations and data analysis to achieve design parameters.

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**Task 802: Develop and Prepare Final Drawings.** TFG will prepare final plan sheets at the 95% stage. TFG will provide electronic sets of the 95% stage drawings to HOA rep. Plans will be distributed to HOA rep 10 days in advance of the project team review meeting.

**Task 803: Final Technical Specifications.** TFG will develop technical specifications at the 95% stage and deliver electronically.

**Task 804: Final Cost Estimate.** TFG will prepare 95% stage construction cost estimate and deliver with the detailed plans.

**Task 805: 95% Review Meeting/Conference Call.** TFG will host and conduct the Final Plan (95%) review meeting/conference call. TFG will prepare agenda, meeting materials and follow-up meeting minutes.

**Task 806: 100% Submittal.** The final submittal will include electronic copies of all drawings (pdf file format) and technical specifications (pdf format).

**Task 800 – Key Understandings:** The 95% review meeting will be considered a formal milestone meeting necessary to arrive at appropriate design solutions.

**Task 800 – Task Deliverables:** Final drawings and technical specifications, construction cost estimate, review meeting agenda, follow-up minutes, project team and agency correspondence documentation.

**Task 900: Bidding Services. Provide bidding services:** TFG will submit the contract documents for advertisement (or direct contractor solicitation) by HOA and provide bidding services for the construction project.

**Task 901: Advertisement.** Assist HOA with preparation of advertisement to bid and submit to local news outlets (or direct contractor solicitation).

**Task 902: Bid Opening.** TFG will host (or attend the bid opening hosted by HOA).

**Task 903: Bid Recommendation.** TFG will provide written recommendation of bid award.

**Task 900 – Key Understandings:** Bidding Services Task assumes one bid package for entire project (outlet structure work and lake bottom grading work). If the HOA breaks out into separate bid packages, the consulting fee would be modified/reflective of the increase in task. TFG will coordinate with HOA on who will host the bid opening.

**Task 900 – Task Deliverables:** Bid recommendation letter.

**Task 1000: Construction Related Services. Provide construction related services:** TFG will review contractor payment request forms and will track and separate out all funding sources by various funding programs involved to keep accounting current and accurate.

**Task 1001: Pre-Construction Conference.** TFG will organize and conduct an on-site pre-construction conference with the hired construction contractor. TFG will prepare meeting agenda and follow-up meeting documentation.

**Task 1002: Review and Approve Payment Request Applications.** TFG will review and approve monthly payment request applications made by the construction contractor. Documentation will be provided to HOA.

**Task 1003: Shop Drawing Review/Approval.** TFG will review shop drawings and provide approval to construction contractor.

**Task 1004: Change Order Preparation.** TFG will coordinate any request for change order with HOA rep and prepare proper documentation for owner-approved change orders.

**Task 1000 – Key Understandings:** Depending on weather and timing of Notice-to-Proceed, type of construction project, HOA, and contractor agreement(s) an established construction window will be established as part of the contract. If the HOA breaks out into separate bid packages, the consulting fee would be modified/reflective of the increase in task.

**Task 1000 – Task Deliverables:** Pre-construction conference agenda, payment request approval documentation, and change orders.

**Task 1100: Construction Observation/Inspection. *Provide construction observation services:*** TFG will provide observation visits during construction activities to ensure planned construction activities meet the design and specification standards.

**Task 1101: Construction Observation.** TFG will perform construction observation and inspection. TFG will prepare observation reports and provide bi-weekly (every two weeks) email reports during the construction phase.

**Task 1102: Substantial Completion Notification.** TFG will notify HOA by email when the project is nearing Substantial Completion.

**Task 1103: Prepare Final Punch List.** TFG will prepare a final punch list of items to complete. TFG will see that all punch list items are completed.

**Task 1100 – Key Understandings:** TFG will establish a determined number of construction observation visits/trips during construction and will negotiate with HOA. If the HOA breaks out into separate bid packages, the consulting fee would be modified/reflective of the increase in task.

**Task 1100 – Task Deliverables:** Email reports, substantial completion notice, and final punch list.

**Task 1200: Final As-built Plans. *Provide as-built plans:*** At the completion of the construction project, TFG will prepare and provide as-built plans in electronic and hard copy format to HOA.

**Task 1200 – Key Understandings:** As-built plans will be prepared/presented at the conclusion of construction activities. If the HOA breaks out into separate bid packages, the consulting fee would be modified/reflective of the increase in task.

**Task 1200 – Task Deliverables:** TFG will provide as-built plans in electronic and hard copy formats to HOA. A final bathymetric map of the west and south sediment basins will be developed and provided electronically.

**EXHIBIT B**

**Pine Lake Rehabilitation Project: Outlet Structures Only**  
**Professional Engineering Services - Fee Estimate Summary: All Tasks**

<b>TASK NO.</b>	<b>PROJECT HOURS by TASK</b>	<b>TASK NO.</b>	<b>PROJECT COST by TASK</b>
100 Project Management	54	100 Project Management	\$10,000.00
200 Pine Lake Watershed Analysis	96	200 Pine Lake Watershed Analysis	\$16,000.00
300 Preliminary Design: Lake Bottom Grading Plan	108	300 Preliminary Design: Lake Bottom Grading Plan	\$15,000.00
400 Outlet Structure Evaluation	98	400 Outlet Structure Evaluation	\$19,000.00
500 Preliminary Design: Outlet Structures (2)	190	500 Preliminary Design: Outlet Structures (2)	\$32,000.00
600 Final Design: Outlet Structures (2)	138	600 Final Design: Outlet Structures (2)	\$22,000.00
700 Permitting	44	700 Permitting	\$6,000.00
800 Final Design: Lake Bottom Grading Plan	140	800 Final Design: Lake Bottom Grading Plan	\$20,000.00
900 Bidding Services	27	900 Bidding Services	\$6,000.00
1000 Construction Related Services	124	1000 Construction Related Services	\$22,000.00
1100 Construction Observation/Inspection	232	1100 Construction Observation/Inspection	\$38,000.00
1200 Final As-Built Plans	102	1200 Final As-Built Plans	\$14,000.00
<b>Subtotal - Hours for Proposed Scope of Services</b>	<b>1353</b>	<b>Subtotal - Proposed Scope of Services</b>	<b>\$220,000.00</b>





Community Assistance Request - Pine Lake HOA, Outlet Structures Needing Reengineering/Replaced



Map By: Lower Platte South NRD, sdr - June 2022





# LOWER PLATTE SOUTH natural resources district

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## Memorandum

**Date:** June 7, 2022  
**To:** Urban Subcommittee  
**From:** Tracy Zayac, Stormwater/Watershed Specialist  
**Subject:** Access easement release and acquisition for Stevens Creek Project #17

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In 2014, the District constructed a stream stability project along a tributary to Stevens Creek (Master Plan project #17), at approximately S 98<sup>th</sup> St. and Van Dorn St (west side of 98<sup>th</sup>). Currently, the District holds an access easement along 98<sup>th</sup> St. on the north side of the tributary channel, for the purpose of getting to the project area for inspection and maintenance.

Matodol, Inc., is developing the Wandering Creek subdivision on property encompassing the Stevens Creek #17 project area. Our existing access easement falls within parcels platted for residential development, and the area has already been graded so that access is severely limited. We have worked with the developer's engineering firm, Olsson, to propose new access easements for our project, in exchange for releasing the existing access easement. Copies of the original easement, the draft easement amendment, and a map of the existing and proposed easements are attached.

Enc.: Wandering Creek easement amendment documents

Mar. 1

RETURN TO Lower Platte South NRD, 3125 Portia Street, P. O. Box 83581, Lincoln, Nebraska 68501

### PERMANENT EASEMENT

For and in consideration of SIXTY ONE THOUSAND SIX HUNDRED and NO/100 DOLLARS (\$61,600.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ROGER H. GRAFF and SHARON R. GRAFF, Co-Trustees under the Graff Family Trust Agreement dated July 26, 2000, referred to in this Easement as "the Grantors", located at 7005 Shamrock Road Apt. #312, Lincoln, Nebraska 68506 do hereby grant, bargain, sell, convey, and release unto the **LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT**, a political subdivision of the State of Nebraska, with its principal office located at 3125 Portia Street, P. O. Box 83581, Lincoln, Nebraska, 68501, referred to in this Easement as "the Grantee" and its successor and assigns, a perpetual easement in, over, and upon a 6.10 acre tract of real estate and a permanent access easement over 0.30 acre tract of real estate, located in Lancaster County, Nebraska, as legally described on Exhibit "A" attached hereto and incorporated in this Easement by this reference.

This Easement is granted for the purpose of and in connection with the construction, reconstruction, operation, maintenance, repair, and inspection of stream bank stability project including structures and other stream bank stability measures, and including a vegetated buffer zone, all as shown on the Land Rights Map marked Exhibit "B" attached hereto and incorporated herein by this reference.

The rights and privileges herein granted shall be subject to the following terms and conditions:

1. Except as otherwise provided herein, the consideration recited herein shall constitute payment in full for all damages sustained or to be sustained by the Grantors by reason of the exercise of the rights and privileges granted to the Grantee.
2. This Easement shall include the right of ingress and egress over and upon the easement area described on Exhibit "A" and shown on Exhibit "B" and shall also include an access route from the driveway near 98<sup>th</sup> Street to other locations in the easement area as shown on Exhibit "B".
3. Grantors shall not construct, operate, occupy, maintain, or locate any structure, whether temporary or permanent, on the land described in Exhibit "A" and shown on Exhibit "B", except Grantors may with the prior written approval of the Grantee, which shall not be unreasonably withheld, construct at their sole cost and expense, a crossing to gain access to the easement area.

4. Grantee shall have the right to excavate soil material from along the channel of the creek as shown on Exhibit "B" and deposit such material in the area identified as the temporary easement area on Exhibit "B", where such material shall be reshaped so that the land may be farmed after the expiration of the Temporary Easement. The Temporary Easement has been granted to Grantee by Grantors by a separate document.
5. Grantors and their heirs and personal representatives, reserve the right and privilege to use the easement area described in Exhibit "A" and shown on Exhibit "B" at any time, and in any manner, and for any purpose which is not inconsistent with the full use and enjoyment of the Grantee, its successors and assigns, of the rights and privileges granted in this Easement.
6. This Easement shall not pass, nor shall the same be construed to pass, to the Grantee fee simple interest or title to the real property described in Exhibit "A" and shown on Exhibit "B".
7. This Easement shall be binding upon the parties hereto, and their respective heirs, personal representatives, successors and assigns.
8. Grantors shall be solely responsible for payment of all taxes and assessments levied against the land described on Exhibit "A" and shown on Exhibit "B".
9. Grantors warrant and represent that they have good and sufficient legal title to the land described in Exhibit "A" and shown on Exhibit "B". Grantors agree at any time upon the request of Grantee, to obtain a subordination agreement from any person or entity that has an interest or lien superior to the interest of Grantee.
10. Grantors warrant and represent that they have the sole and exclusive right to grant this Easement, and that there are no tenants or other persons in possession of the real property describe on Exhibit "A" and shown on Exhibit "B" or any part thereof or any other person or entity that need join in this Easement in order for Grantee to fully enjoy the rights and privileges granted by this Easement.

TO HAVE AND TO HOLD the land described in Exhibit "A" and shown on Exhibit "B" in this with all the rights, privileges, and appurtenances thereto belonging or in anywise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantors has executed this instrument on the 26<sup>th</sup> day of NOVEMBER, 2013.

GRANTORS:

ROGER H. GRAFF  
Co-Trustee of the Graff Family Trust Agreement  
dated July 26, 2000

  
\_\_\_\_\_  
Signature

SHARON R. GRAFF  
Co-Trustee of the Graff Family Trust Agreement  
dated July 26, 2000

  
\_\_\_\_\_  
Signature

STATE OF NEBRASKA    )  
                                  )ss.  
COUNTY OF LANCASTER)

On this 26<sup>th</sup> day of NOVEMBER, 2013, a notary public in and for the County and State, personally came Roger H. Graff and Sharon R. Graff, Co-Trustees of the Graff Family Trust Agreement dated July 26, 2000, to me personally known to be identical persons whose names are affixed to the above Easement and acknowledge the execution of the same to be their voluntary act and deed.

Witness my hand and notary seal the day and year last above written.



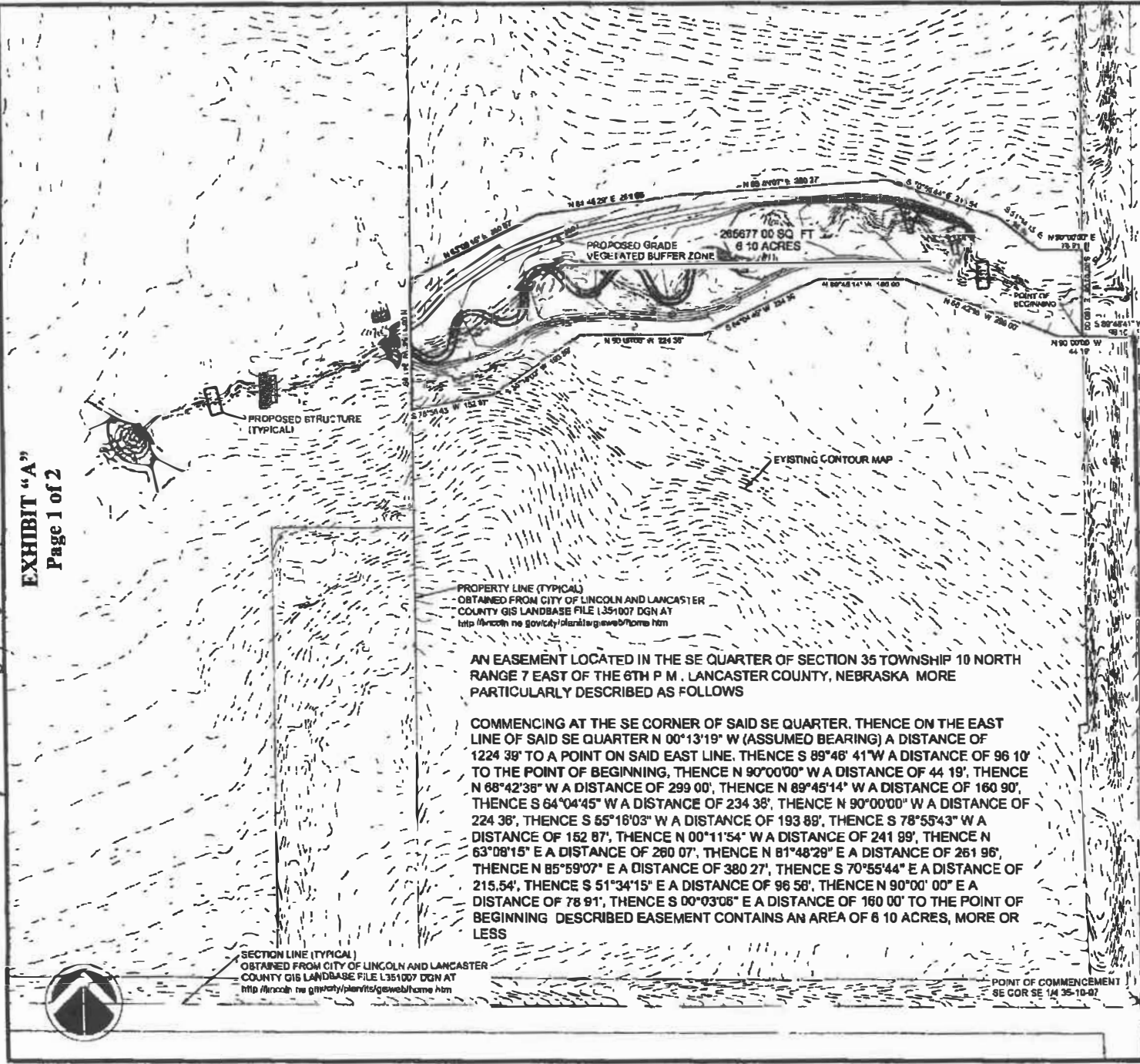
  
\_\_\_\_\_  
Notary Public

My Commission expires: NOV 23, 2014



Six  
ft Lot 6/SE 1/4

**EXHIBIT "A"**  
Page 1 of 2



PROPERTY LINE (TYPICAL)  
OBTAINED FROM CITY OF LINCOLN AND LANCASTER  
COUNTY GIS LANDBASE FILE L351007 DGN AT  
<http://lincoln.ne.gov/city/plans/igsweb/home.htm>

AN EASEMENT LOCATED IN THE SE QUARTER OF SECTION 35 TOWNSHIP 10 NORTH  
RANGE 7 EAST OF THE 6TH P. M. LANCASTER COUNTY, NEBRASKA MORE  
PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SE CORNER OF SAID SE QUARTER, THENCE ON THE EAST  
LINE OF SAID SE QUARTER N 00°13'19" W (ASSUMED BEARING) A DISTANCE OF  
1224 38' TO A POINT ON SAID EAST LINE, THENCE S 89°46' 41" W A DISTANCE OF 96 10'  
TO THE POINT OF BEGINNING, THENCE N 90°00'00" W A DISTANCE OF 44 19', THENCE  
N 68°42'38" W A DISTANCE OF 299 00', THENCE N 89°45'14" W A DISTANCE OF 160 90',  
THENCE S 64°04'45" W A DISTANCE OF 234 38', THENCE N 90°00'00" W A DISTANCE OF  
224 38', THENCE S 55°18'03" W A DISTANCE OF 193 89', THENCE S 78°55'43" W A  
DISTANCE OF 152 87', THENCE N 00°11'54" W A DISTANCE OF 241 99', THENCE N  
63°08'15" E A DISTANCE OF 260 07', THENCE N 81°48'29" E A DISTANCE OF 261 96',  
THENCE N 85°59'07" E A DISTANCE OF 380 27', THENCE S 70°55'44" E A DISTANCE OF  
215.54', THENCE S 51°34'15" E A DISTANCE OF 96 58', THENCE N 90°00' 00" E A  
DISTANCE OF 78 91', THENCE S 00°03'06" E A DISTANCE OF 160 00' TO THE POINT OF  
BEGINNING DESCRIBED EASEMENT CONTAINS AN AREA OF 6 10 ACRES, MORE OR  
LESS

SECTION LINE (TYPICAL)  
OBTAINED FROM CITY OF LINCOLN AND LANCASTER  
COUNTY GIS LANDBASE FILE L351007 DGN AT  
<http://lincoln.ne.gov/city/plans/igsweb/home.htm>

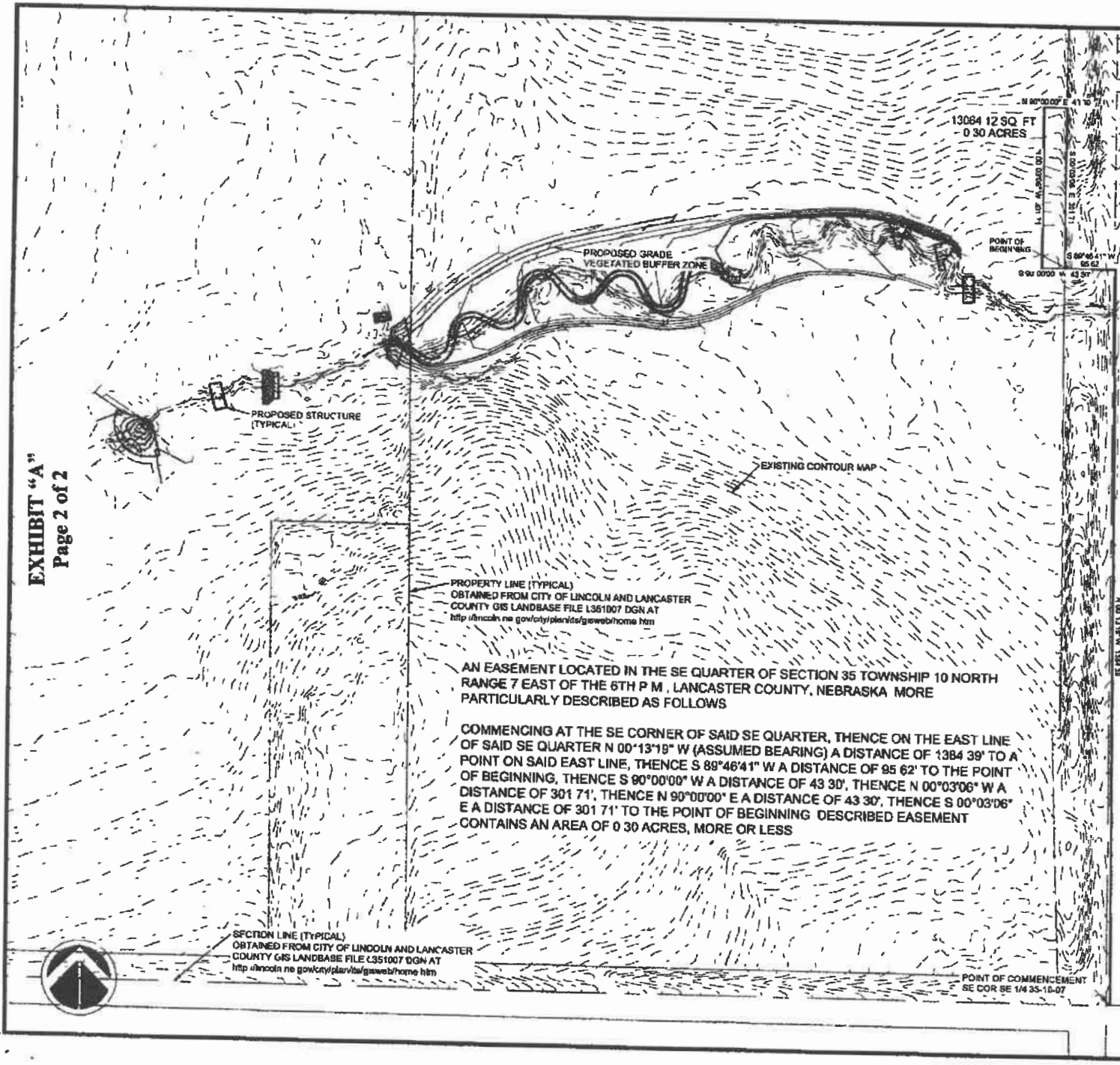
POINT OF COMMENCEMENT  
SE COR SE 1/4 35-10-07

REVISIONS	
NO	DATE BY DESCRIPTION
1	15APR13 JDC EASEMENT MAP
2	17JUN13 JDC EASEMENT MAP
3	29AUG13 JDC EASEMENT MAP

**LOWER PLATTE SOUTH NRD  
STEVENS CREEK**  
WATERSHED MASTERPLAN CIP PROJECT 17  
LANCASTER COUNTY, NEBRASKA  
**PERMANENT EASEMENT 1**



DATE	JULY 2013
DESIGNED BY	JDC
DRAWN BY	STAFF
CHECKED BY	RJK
PROJECT NUMBER	
SCALE	1" = 250'
SHEET NUMBER	



REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	15APR13	JDC	EASEMENT MAP
2	17APR13	JDC	EASEMENT MAP
3	28JUL13	JDC	EASEMENT MAP

LOWER PLATTE SOUTH NRD STEVENS CREEK WATERSHED MASTERPLAN CIP PROJECT 17 LANCASTER COUNTY, NEBRASKA	
ACCESS EASEMENT	

8200 Ochs Drive, Suite A Lincoln, NE 68517 402-415-5441	
DATE	JULY 2013
DESIGNED BY	JDC
DRAWN BY	STAFF
CHECKED BY	RJK
PROJECT NUMBER	-
SCALE	1" = 250'
SHEET NUMBER	1 OF 1

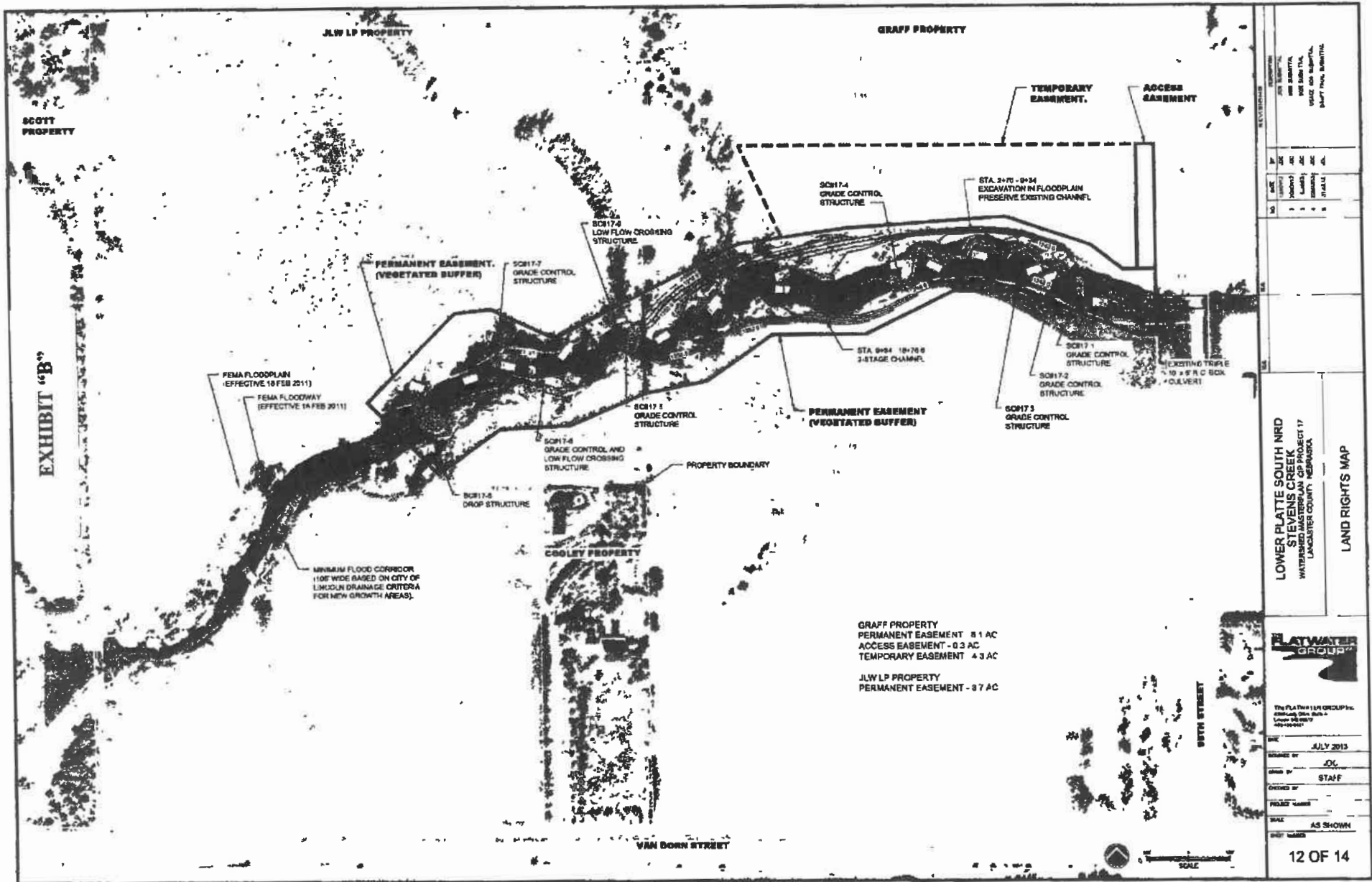


EXHIBIT "B"

GRAFF PROPERTY  
 PERMANENT EASEMENT - 8.1 AC  
 ACCESS EASEMENT - 0.3 AC  
 TEMPORARY EASEMENT - 4.3 AC

JLN LP PROPERTY  
 PERMANENT EASEMENT - 8.7 AC

REVISION	DATE	BY	DESCRIPTION
1	07/13/13	JCL	ISSUE FOR PERMITS
2	07/13/13	JCL	ISSUE FOR PERMITS
3	07/13/13	JCL	ISSUE FOR PERMITS
4	07/13/13	JCL	ISSUE FOR PERMITS
5	07/13/13	JCL	ISSUE FOR PERMITS
6	07/13/13	JCL	ISSUE FOR PERMITS
7	07/13/13	JCL	ISSUE FOR PERMITS
8	07/13/13	JCL	ISSUE FOR PERMITS
9	07/13/13	JCL	ISSUE FOR PERMITS
10	07/13/13	JCL	ISSUE FOR PERMITS

LOWER PLATTE SOUTH NRD  
 STEVENS CREEK  
 WATERSHED RESTORATION PROJECT 17  
 LANCASTER COUNTY, NEBRASKA

LAND RIGHTS MAP

**FLATWATER GROUP**

The FLATWATER GROUP INC.  
 2000 S. 10th Street -  
 Lincoln, NE 68502  
 402-491-0000

DATE: JULY 2013  
 DRAWN BY: JCL  
 CHECKED BY: STAFF  
 PROJECT NAME:  
 SCALE: AS SHOWN  
 SHEET NUMBER: 12 OF 14

After Recording Return To:  
Seacrest & Kalkowski, PC, LLO  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508

## SECOND AMENDMENT TO PERMANENT EASEMENT

This Second Amendment to Permanent Easement (the "Second Amendment") is made and entered into as of this \_\_\_ day of \_\_\_\_\_, 2022, by and between **Matodol, LLC**, a Nebraska limited liability company, successor in interest to Roger H. Graff and Sharon R. Graff, Co-Trustees under the Graff Family Trust Agreement dated July 26, 2009 ("Grantor") and **Lower Platte South Natural Resources District**, a political subdivision ("District").

### RECITALS

1. On November 26, 2013, Grantor granted the District a Permanent Easement which was filed of record with the Lancaster County Register of Deeds as Instrument No. 2014000417, and amended by the Amendment to Permanent Easement which was filed of record with the Lancaster County Register of Deeds as Instrument No. 2018028715 (collectively the "Permanent Easement").
2. The parties desire to release the existing access easement area within the Permanent Easement and grant new access easement areas.
3. Capitalized terms not defined herein shall have the meaning defined in the Permanent Easement.

NOW, THEREFORE, in consideration of the above recitals and the mutual promises and covenants contained herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree to amend the Permanent Easement as follows:

1. District hereby releases and relinquishes its permanent access easement and any and all rights of ingress and egress over and upon the 0.30 acre tract of real estate legally described on Exhibit "A", Page 2 of 2, and shown on Exhibit "B", attached to the Permanent Easement ("Original Access Easement Area"), so the Original Access Easement Area is no longer a part of the Permanent Easement. A current legal description of the Original Access Easement Area is attached hereto as Exhibit "A-2" for purposes of identifying the real estate released.

2. Grantor hereby grants to District a permanent access easement including rights of ingress and egress over and upon the three access easement areas legally described and shown on Exhibit "A-2" attached hereto and incorporated herein by this reference. Exhibit "A-2" attached hereto shall replace and supersede Exhibit "A", Page 2 of 2 attached to the Permanent Easement.

3. To the extent the terms of this Second Amendment are inconsistent or conflict with the terms of the Permanent Easement, the terms of this Second Amendment shall control. All other terms, covenants, and conditions of the Permanent Easement, except to the extent the same have been modified or amended hereby, shall remain in full force and effect.

IN WITNESS WHEREOF, the Grantor and District have executed this Second Amendment on the \_\_\_\_ day of \_\_\_\_\_, 2022.

**"GRANTOR"**

**MATODOL, LLC**, a Nebraska limited liability company

By: Olsson, Inc., a Nebraska corporation, as Manager

By: \_\_\_\_\_  
Jeff Jenkins, CFO

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by Jeff Jenkins, as Chief Financial Officer of Olsson, Inc., a Nebraska corporation, as Manager of **Matodol, LLC**, a Nebraska limited liability company, on behalf of the limited liability company.

\_\_\_\_\_  
Notary Public



**“DISTRICT”**

**LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT**, a political subdivision of the State of Nebraska

By: \_\_\_\_\_  
Paul Zillig, General Manager

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by Paul Zillig, General Manager of **Lower Platte South Natural Resources District**, a political subdivision of the State of Nebraska, on behalf of the political subdivision.

\_\_\_\_\_  
Notary Public

**EXHIBIT "A-2"**

**ORIGINAL ACCESS EASEMENT AREA RELEASED**

AN EASEMENT LOCATED IN THE SE QUARTER OF SECTION 35 TOWNSHIP 10 NORTH  
RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA MORE  
PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SE CORNER OF SAID SE QUARTER, THENCE ON THE EAST LINE  
OF SAID SE QUARTER N 00°13'19" W (ASSUMED BEARING) A DISTANCE OF 1384.39' TO A  
POINT ON SAID EAST LINE, THENCE S 89°46'41" W A DISTANCE OF 95.62' TO THE POINT  
OF BEGINNING, THENCE S 90°00'00" W A DISTANCE OF 43.30', THENCE N 00°03'06" W A  
DISTANCE OF 301.71', THENCE N 90°00'00" E A DISTANCE OF 43.30', THENCE S 00°03'06"  
E A DISTANCE OF 301.71' TO THE POINT OF BEGINNING DESCRIBED EASEMENT  
CONTAINS AN AREA OF 0.30 ACRES, MORE OR LESS

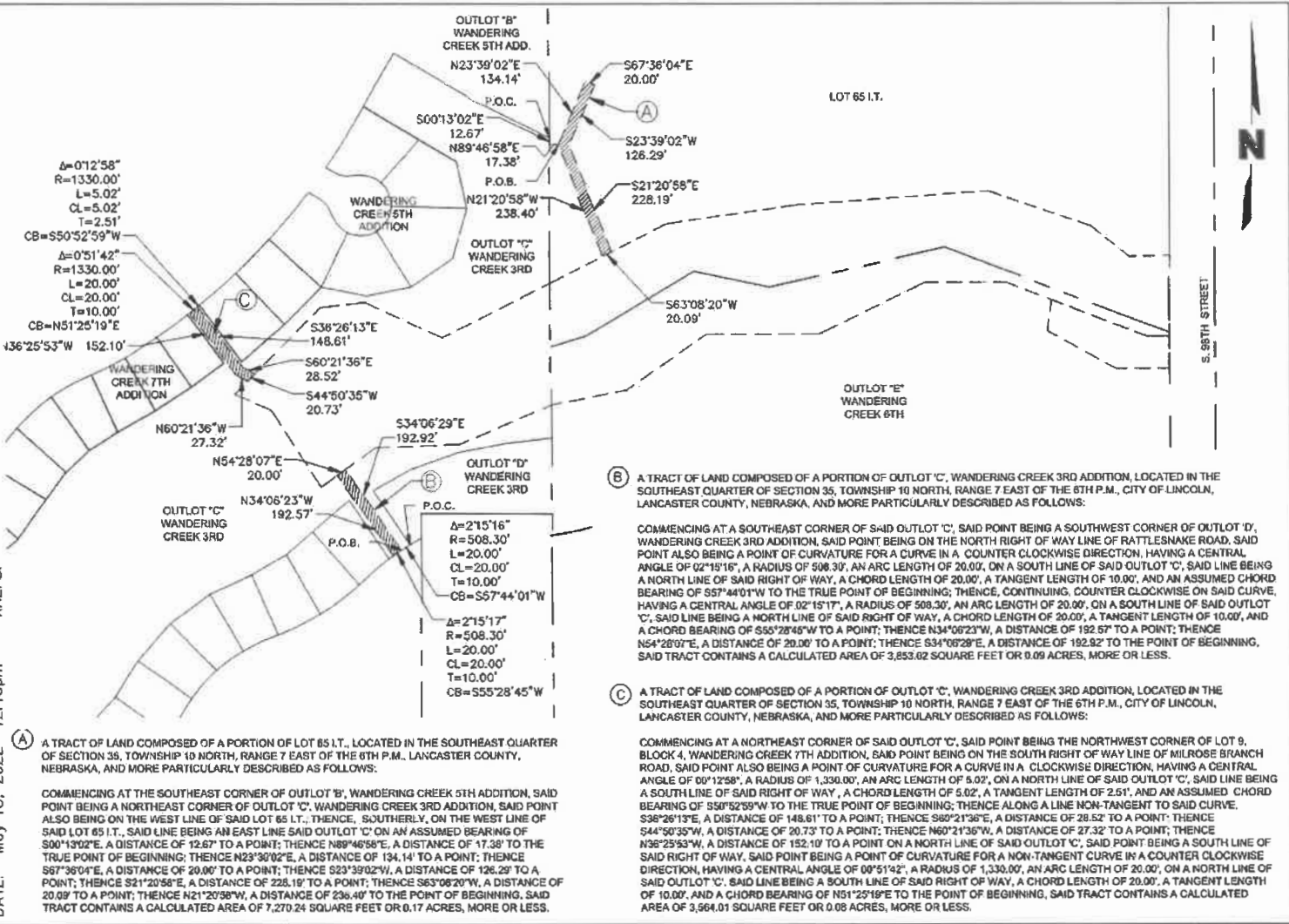
**NOW KNOWN AS:**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 65 I.T., LOCATED IN THE  
SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST  
OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER  
OF SAID SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST; THENCE,  
NORTHERLY, ON THE EAST LINE OF SAID SOUTHEAST QUARTER, ON AN  
ASSUMED BEARING OF N00°13'14"W, A DISTANCE OF 1,384.39' TO A POINT;  
THENCE S89°46'46"W, A DISTANCE OF 95.62' TO THE TRUE POINT OF  
BEGINNING; THENCE N89°59'55"W, ON THE SOUTH LINE OF AN ACCESS  
EASEMENT AS REFERRED TO IN INSTRUMENT NUMBER 2014000417,  
LANCASTER REGISTER OF DEEDS, A DISTANCE OF 43.30' TO A POINT; THENCE  
N00°03'01"W, ON THE WEST LINE OF SAID ACCESS EASEMENT, A DISTANCE OF  
301.71' TO A POINT; THENCE S89°59'55"E, ON THE NORTH LINE OF SAID  
ACCESS EASEMENT, A DISTANCE OF 43.30' TO A POINT; THENCE S00°03'01"E,  
ON THE EAST LINE OF SAID ACCESS EASEMENT, A DISTANCE OF 301.71'; TO  
THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF  
13,064.04 SQUARE FEET OR 0.30 ACRES, MORE OR LESS.

**EXHIBIT "A-2" - NEW ACCESS EASEMENT AREAS**

DWG: F:\2021\06501-07000\021-06881\40-Design\Exhibits\22-05-05\_NRD Access Easement EXH.dwg  
 DATE: May 18, 2022 12:13pm XREFS:  
 USER: I



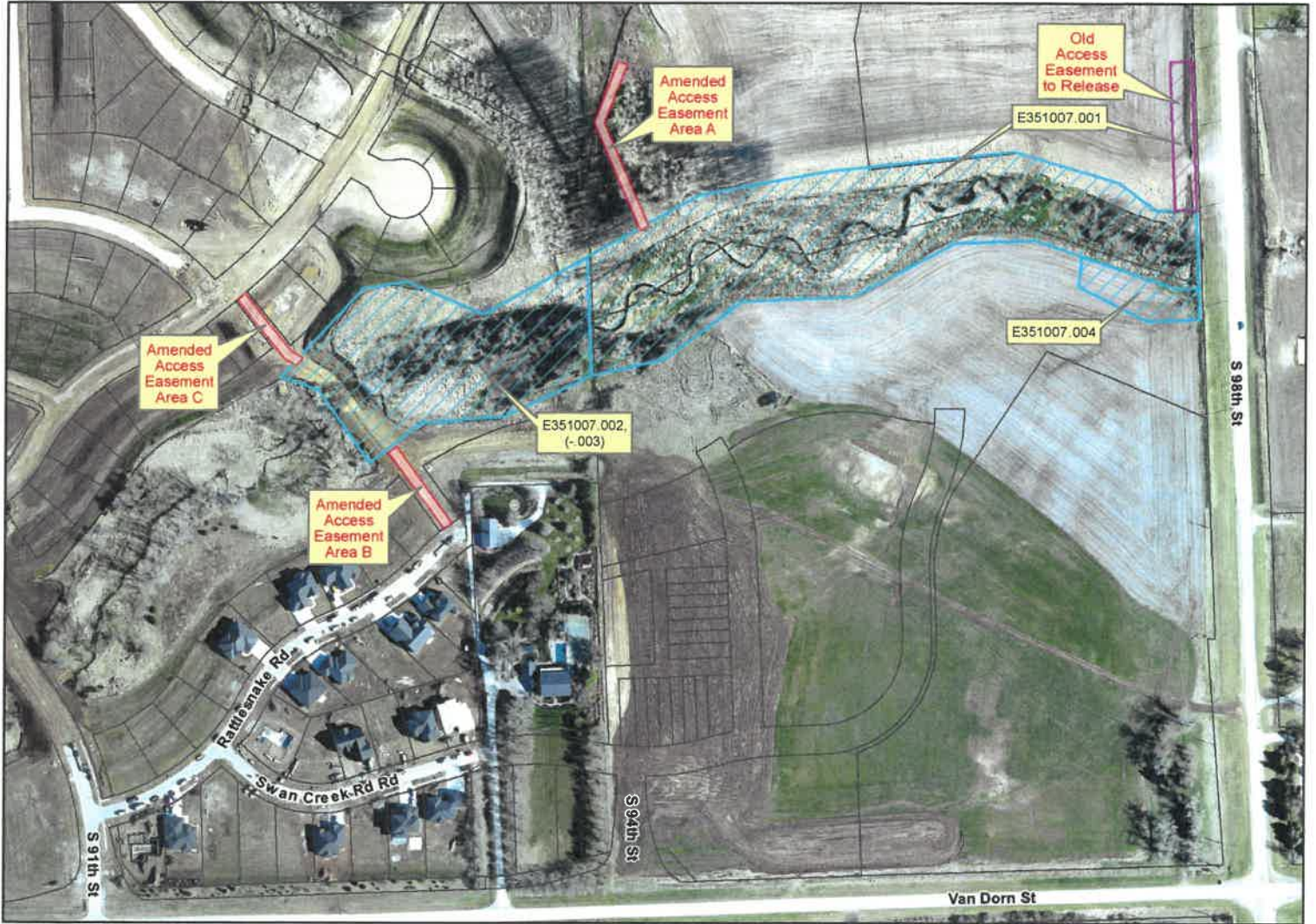
**(A)** A TRACT OF LAND COMPOSED OF A PORTION OF LOT 65 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT 'B', WANDERING CREEK 5TH ADDITION, SAID POINT BEING A NORTHEAST CORNER OF OUTLOT 'C', WANDERING CREEK 3RD ADDITION, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 65 I.T., THENCE, SOUTHERLY, ON THE WEST LINE OF SAID LOT 65 I.T., SAID LINE BEING AN EAST LINE SAID OUTLOT 'C' ON AN ASSUMED BEARING OF S00°13'02"E, A DISTANCE OF 12.67' TO A POINT; THENCE N89°46'58"E, A DISTANCE OF 17.38' TO THE TRUE POINT OF BEGINNING; THENCE N23°39'02"E, A DISTANCE OF 134.14' TO A POINT; THENCE S67°36'04"E, A DISTANCE OF 20.00' TO A POINT; THENCE S23°39'02"W, A DISTANCE OF 126.29' TO A POINT; THENCE S21°20'58"E, A DISTANCE OF 228.19' TO A POINT; THENCE N21°20'58"W, A DISTANCE OF 238.40' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 7,270.24 SQUARE FEET OR 0.17 ACRES, MORE OR LESS.

**(B)** A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'C', WANDERING CREEK 3RD ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT A SOUTHWEST CORNER OF SAID OUTLOT 'C', SAID POINT BEING A SOUTHWEST CORNER OF OUTLOT 'D', WANDERING CREEK 3RD ADDITION, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF RATTLESNAKE ROAD, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 02°15'16", A RADIUS OF 508.30', AN ARC LENGTH OF 20.00', ON A SOUTH LINE OF SAID OUTLOT 'C', SAID LINE BEING A NORTH LINE OF SAID RIGHT OF WAY, A CHORD LENGTH OF 20.00', A TANGENT LENGTH OF 10.00', AND AN ASSUMED CHORD BEARING OF S57°44'01"W TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, COUNTER CLOCKWISE ON SAID CURVE, HAVING A CENTRAL ANGLE OF 02°15'17", A RADIUS OF 508.30', AN ARC LENGTH OF 20.00', ON A SOUTH LINE OF SAID OUTLOT 'C', SAID LINE BEING A NORTH LINE OF SAID RIGHT OF WAY, A CHORD LENGTH OF 20.00', A TANGENT LENGTH OF 10.00', AND A CHORD BEARING OF S55°28'45"W TO A POINT; THENCE N34°06'23"W, A DISTANCE OF 192.57' TO A POINT; THENCE N54°28'07"E, A DISTANCE OF 20.00' TO A POINT; THENCE S34°06'29"E, A DISTANCE OF 192.92' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,853.02 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

**(C)** A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'C', WANDERING CREEK 3RD ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT A NORTHEAST CORNER OF SAID OUTLOT 'C', SAID POINT BEING THE NORTHWEST CORNER OF LOT 9, BLOCK 4, WANDERING CREEK 7TH ADDITION, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF MILROSE BRANCH ROAD, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 00°12'58", A RADIUS OF 1,330.00', AN ARC LENGTH OF 5.02', ON A NORTH LINE OF SAID OUTLOT 'C', SAID LINE BEING A SOUTH LINE OF SAID RIGHT OF WAY, A CHORD LENGTH OF 5.02', A TANGENT LENGTH OF 2.51', AND AN ASSUMED CHORD BEARING OF S50°52'59"W TO THE TRUE POINT OF BEGINNING; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, S38°26'13"E, A DISTANCE OF 148.61' TO A POINT; THENCE S60°21'36"E, A DISTANCE OF 28.52' TO A POINT; THENCE S44°50'35"W, A DISTANCE OF 20.73' TO A POINT; THENCE N60°21'36"W, A DISTANCE OF 27.32' TO A POINT; THENCE N54°28'07"E, A DISTANCE OF 152.10' TO A POINT ON A NORTH LINE OF SAID OUTLOT 'C', SAID POINT BEING A SOUTH LINE OF SAID RIGHT OF WAY, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 00°51'42", A RADIUS OF 1,330.00', AN ARC LENGTH OF 20.00', ON A NORTH LINE OF SAID OUTLOT 'C', SAID LINE BEING A SOUTH LINE OF SAID RIGHT OF WAY, A CHORD LENGTH OF 20.00', A TANGENT LENGTH OF 10.00', AND A CHORD BEARING OF N51°25'19"E TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,564.01 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.

PROJECT NO:	021-06881	<b>ACCESS EASEMENT</b>	<b>olsson</b>	501 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311	EXHIBIT
DRAWN BY:	BPB			A-2	
DATE:	4/5/22				

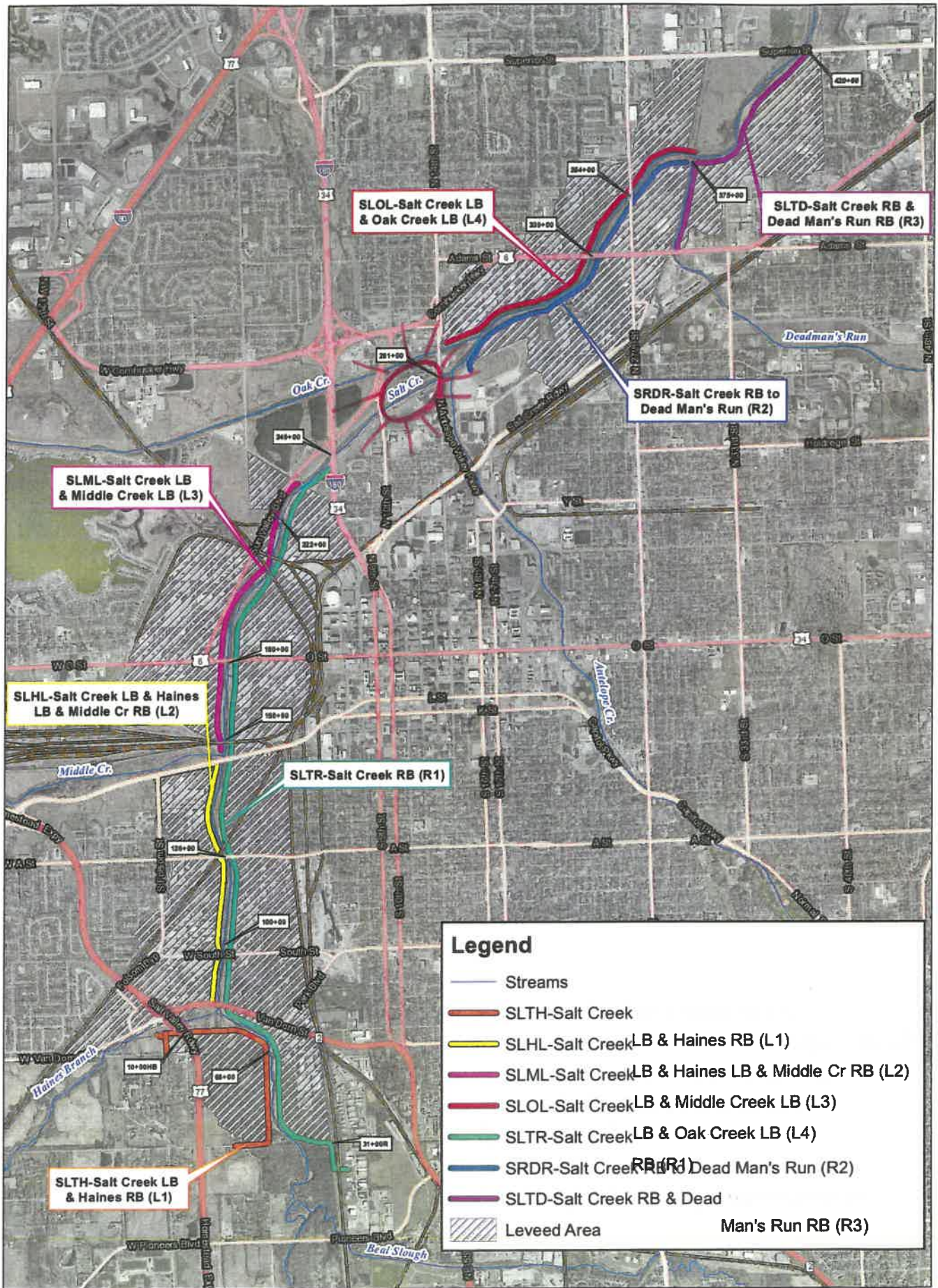
# Wandering Creek (Stevens Creek CIP#17) - Access Easements Review



Map By: LPSNRD  
May 2022

- Construction + Maintenance Easement
- Existing Access Easement (to release)
- Proposed Amended Access Easement





**Salt Creek Flood Reduction Levels**  
 System Wide Improvement Framework  
 Lower Platte South NRD  
 Lincoln, Nebraska



Created By: REL  
 Date: 6/13/2015  
 Revised: 6/28/2016  
 Software: ArcGIS 10.1  
 File: Figure 2 - Salt Creek Flood Reduction Levels.mxd  
 This map was prepared using information from record drawings supplied by JCO and/or other applicable city, county, federal or public or private entities. JCO does not guarantee the accuracy of this map or the information used to prepare this map. This is not a scaled plot.





June 8, 2022

Lower Platte South NRD  
Attn: Al Langdale  
3125 Portia St  
Lincoln, NE 68521

RE: Amendment #1 – Additional Design and Permitting  
Salt Creek Bank Repair and Toe Protection 10<sup>th</sup> to 13<sup>th</sup> Street  
JEO Project No. 211468.00

Dear Mr. Langdale:

The original Agreement dated October 21, 2021 (signed October 22, 2021) included a scope of services for concept design for the reach of Salt Creek from 10<sup>th</sup> Street to 14<sup>th</sup> Street (**study area**). The original scope of services also included final design and bidding services for a **focus area** within the overall reach. This **focus area** (included in the original scope of services) referred to as '13<sup>th</sup> to 14<sup>th</sup> Street', is currently underway and remains unchanged from the original scope of services. The concept design phase for the **study area** is complete and the NRD desires to continue with final design for a **second focus area**, referred to as '10<sup>th</sup> Street to 12<sup>th</sup> Street'.

Enclosed is Amendment #1 for the additional services including survey, geotechnical analysis, design, permitting, and bidding services, as outlined in the included scope of services. As noted, the remaining tasks in the original scope of services will continue, with the intent of bidding and constructing that project as soon as the design is completed, and the permits are obtained. Amendment #1 will result in a second completed design, permits, and bid documents. Construction of the second project is not anticipated until fiscal year 2024 or beyond.

Please review the attached documents and if you have any questions, please feel free to contact me at 402-474-8751 or [rlawrence@jeo.com](mailto:rlawrence@jeo.com). Thank you for the opportunity to work on this project.

• Revised Contract Totals:

Previous Contract Total:	\$115,180
Amendment #1:	\$45,855
<b>Updated Total Contract:</b>	<b>\$161,035</b>

\*See attached scope of services for task breakdown

Amendment Accepted:

Owner  
Lower Platte South NRD  
By: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date Signed: \_\_\_\_\_

Engineer  
JEO Consulting Group, Inc.  
By: Ross Lawrence  
Signed: [Signature]  
Title: Project Manager  
Date Signed: 06-08-2022

**Scope of Services – Amendment #1**  
**Salt Creek Bank Repair and Toe Protection 10<sup>th</sup> to 13<sup>th</sup> Street**  
**JEO Project No. 211468.00**

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**Project Understanding:**

JEO proposes to provide engineering services to assist the Lower Platte South NRD (Owner) with survey, geotechnical analysis, design, permitting, and bidding assistance for streambank repairs and stabilization along Salt Creek left (north) bank in Lincoln, NE. In addition to the tasks included in the original scope of services, JEO will continue forward with the design and permitting for construction of the proposed improvements for the area of 10<sup>th</sup> Street to 12<sup>th</sup> Street (**second focus area**). Design drawings and specifications will be sealed and signed by a professional engineer and associated permit applications will be developed. Construction services are not included in this Scope of Services and can be added as needed at a later date.

**Scope of Services:**

JEO proposes to provide the following Scope of Services

**1 – Project Management**

- Perform routine project management tasks
- Prepare and update a project schedule
- Prepare progress reports
- Attend up to one (1) NRD board meeting
- Communicate with Owner’s representative to collaborate and collect data and key input, outside of formal meetings

**Meetings:**

- One (1) NRD board meeting

**Task Deliverables:**

- Project schedule
- Project invoices
- Meeting support material

**Key Understandings/Assumptions:**

- The Owner will provide a dedicated project lead point of contact for project communication.
- Project invoices will be provided monthly.

## Amendment #1

### **2 – Survey**

- For the second focus area from 10<sup>th</sup> Street to 12<sup>th</sup> Street, supplement previously collected survey information with limited topographic field survey to collect elevation and location of the landscape and drainage feature data necessary to design improvements and develop construction quantities.
  - o See attached map for general survey limits
- Request a utility locate and survey underground utilities that are marked in the field by others.
- Incorporate previously collected boundary (property) survey information and available City of Lincoln/Lancaster County GIS parcel lines, to be used as approximate property limits for planning purposes.

#### **Meetings:**

- None

#### **Task Deliverables:**

- Topographic survey data to be included on design drawings
  - o Survey data will be used to determine construction quantities and cost opinion

#### **Key Understandings/Assumptions:**

- Easement research and property corner field searches and survey will be necessary if proposed design encroaches on private property.
- If property impacts are identified during the design phase that may require additional property boundary investigation, JEO will discuss with the Owner prior to proceeding.

### **6 – Geotechnical Evaluation (10<sup>th</sup> Street to 12<sup>th</sup> Street)**

#### **6.3 – Final Analysis and Reporting**

- The previous subsurface investigation and preliminary analysis will be utilized for final design of the second project area. A preferred alternative has been selected during the previous concept design phase. The evaluation will be finalized for the second focus area of 10<sup>th</sup> Street to 12<sup>th</sup> Street to support final design drawing and specification development (Tasks 9.1-9.3).
- Prepare a geotechnical report summarizing the evaluation and recommendations.

#### **Meetings:**

- None

#### **Task Deliverables:**

- Geotechnical report

#### **Key Understandings/Assumptions:**

- Geotechnical report will include the analysis and conclusions regarding the slope above the existing sheet pile (12<sup>th</sup> Street to 13<sup>th</sup> Street).

## Amendment #1

- Improvements to the slope above the existing sheet pile is excluded, per coordination with Owner.

### **8 – Permitting (10<sup>th</sup> Street to 12<sup>th</sup> Street)**

#### **8.1 – Floodplain**

- Utilize hydraulic model from current effort for the purpose of supporting local floodplain requirements and USACE Section 408 review.
- JEO will prepare a floodplain development permit application and the necessary supporting information and will submit to the City of Lincoln/Lancaster County Building & Safety Department. The permit application will include evaluation/explanation of Salt Creek Flood Storage areas, if needed.
- The project improvements are within a regulatory floodway and will require a ‘no-rise certification’.
- In addition to satisfying local floodplain regulations for the 1% annual chance event, it is anticipated the USACE will request/require modeling/analysis of various discharges on Salt Creek to support the adequacy of the proposed design in comparison to the original authorized capacity of the channel.

#### **8.2 – U.S. Army Corps of Engineers (USACE) Section 404**

- Perform wetland delineation at the select location in accordance with the 1987 USACE Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0).
- Compile and analyze field data and prepare a wetland delineation report that includes:
  - o Site Map
  - o Summary of desktop review
  - o Identification and mapping boundaries for all recorded Waters of the U.S. (WOUS) and wetlands
  - o Calculation of acreage of, and impacts to, WOUS, including wetlands (to the nearest 0.01 acre)
  - o Photographs of each sample point and all WOUS, including wetlands
  - o USACE Wetland Determination Data Forms
- Prepare and submit preliminary coordination letters to the U.S. Fish and Wildlife Service (USFWS), Nebraska Game and Parks Commission (NGPC), and History Nebraska that summarize the results of the wetland delineation and request effect determinations and project guidance, as appropriate.
- Prepare and submit a pre-construction notification (i.e., permit application) packages to the USACE to obtain a Section 404 authorization via Nationwide Permit (NWP).
- Although it is anticipated that permanent, unavoidable impacts to wetlands will be less than 0.1 acre, thus avoiding the requirement for compensatory mitigation, this may change based on the results of the wetland delineations, project design, or USACE determination.
- It is anticipated that permanent, unavoidable impacts to the stream bed will exceed 0.03 acre, thus potentially requiring compensatory mitigation. The current (2021) Nationwide Permit General Conditions allow for the USACE District Engineer to provide a waiver of this requirement, when appropriate.

## Amendment #1

- During the wetland delineation, JEO will perform a stream assessment and subsequent calculations in accordance with the Nebraska Stream Condition Assessment Procedure (NeSCAP). The permit application will include a request for a waiver (with explanation). If USACE does not grant a waiver or requires additional information not included in this scope of services, JEO will work with the Owner to determine an appropriate amendment.

### **8.3 – U.S. Army Corps of Engineers (USACE) Section 408**

- It is anticipated the proposed design will require Section 408 coordination and authorization. JEO will develop a project narrative and submittal packet necessary for USACE review and approval. The submittal packet is anticipated to include:
  - o Description of the existing levee system
  - o Description of the proposed alteration
  - o Draft (60% +) design drawings and specifications
  - o Geotechnical exploration and analysis results
  - o Hydraulic evaluation
  - o Tiered NEPA document for categorical permissions
  - o Real estate assessment
  - o Operation and maintenance
  - o Project schedule

### **8.4 – National Pollutant Discharge Elimination System (NPDES)**

- Submit Notice of Intent (NOI) to Nebraska Department of Environment and Energy (NDEE).
- Prepare Stormwater Pollution Prevention Plan (SWPPP) for contractor use during construction.
- Submit Notice of Termination (NOT) at project completion.

### **8.5 – Nebraska Department of Transportation Right of Way (NDOT ROW)**

- Prepare an Application to Occupy Right of Way and submit to the State of Nebraska for permission to temporarily utilize state owned land during construction.

#### **Meetings:**

- None

#### **Task Deliverables:**

- Floodplain development permit package
- Wetland delineation and report
- Section 404 permit application
- Section 408 submittal
- SWPPP

#### **Key Understandings/Assumptions:**

- Owner will be responsible for all permit fees.
- It will not be necessary to conduct interior drainage flow calculations, capacity analysis, and delineate ponding areas.
- It will not be necessary to coordinate with City of Lincoln Right-of-Way.

## Amendment #1

- As this is generally a channel (not levee) modification project it is anticipated that USACE coordination will be limited and completed via submitted information. JEO will work with Owner if additional USACE coordination is necessary.
- It is assumed a Nationwide Permit (NWP 13 or 31) will be obtained requiring no mitigation. Other 404 permit types or mitigation would require an amendment for additional services.
- NEPA requirements will be satisfied through the Categorically Permitted Alterations to Existing U.S. Army Corps of Engineers Civil Works Projects.
- The proposed design will not modify/alter recently completed bank stabilization in the vicinity of the newly constructed 10<sup>th</sup> Street bridge.

## **9 – Design (10<sup>th</sup> Street to 12<sup>th</sup> Street)**

### **9.1 – 60% Design**

- Prepare engineering design drawings for the second focus area of 10<sup>th</sup> Street to 12<sup>th</sup> Street. Drawings are anticipated to include:
  - o Project vicinity maps
  - o Survey control
  - o Existing site plans with topographic survey information
  - o Property lines where surveyed or approximate property lines (from City GIS database)
  - o Proposed site and grading plan
  - o Details and typical sections
- Design elements are anticipated to include:
  - o Grading/earthwork
  - o Riprap placement
  - o Slope stabilization features
  - o Seeding and erosion control
- Develop 60% design drawings and opinion of cost
  - o Submit 60% design documents to Owner for review and meet with Owner's representative at the project site to review 60% draft design documents

### **9.2 – 95% Design**

- Incorporate 60% review comments and internal QA/QC into development of 95% design drawings.
- Develop 95% design drawings, specifications complete with bidding and contract documents and opinion of cost.
  - o Submit 95% design documents to Owner for review

### **9.3 – Final Design**

- Incorporate 95% review comments and internal QA/QC into development of final documents (drawings, specifications, opinion of cost, and contract documents) signed and sealed by a professional engineer registered in the State of Nebraska.



## Amendment #1

### Meetings:

- One (1) 60% review meeting (at project site)

### Task Deliverables:

- Draft (60%) design drawings and cost opinion
- Draft (95%) design drawings, specifications, and cost opinion
- Final design drawings, specifications, and cost opinion

### Key Understandings/Assumptions:

- Design, specifications, and bid documents will be for one bid package.

## 10 – Bidding and Advertising (10<sup>th</sup> Street to 12<sup>th</sup> Street)

- Assist the Owner in advertising and letting the project.
- Prepare bidding documents and facilitate delivery to prospective bidders.
- Prepare forms for contract documents including proposals, advertisements for bids, construction contracts, and payment and performance bonds as required (subject to approval by Owner).
- Respond to questions from potential bidders.
- Attend bid letting; attended by JEO Project Manager or Project Engineer.

### Meetings:

- Bid letting

### Task Deliverables:

- Bid documents
- Bid recommendation

### Key Understandings/Assumptions:

- There will be one bid package

Amendment #1

**Project Fee**

JEO proposes to perform the described services at an hourly not-to-exceed fee as included in the following schedule:

Task 1 – Project Management.....	\$3,840
Task 2 – Survey.....	\$0
*The additional survey tasks were completed using remaining budget from the original scope	
Task 6 – Geotechnical Evaluation.....	\$5,500
Task 8 – Permitting (10 <sup>th</sup> Street to 12 <sup>th</sup> Street).....	\$13,555
Task 9 – Design (10 <sup>th</sup> Street to 12 <sup>th</sup> Street).....	\$19,480
Task 10 – Bidding and Advertising (10 <sup>th</sup> Street to 12 <sup>th</sup> Street).....	\$3,480

**Amendment #1 Total     \$45,855**

\*The Project Fee schedule is an estimate of the fee distribution between tasks. JEO reserves the right to invoice in excess of an individual task amount, provided the total fee does not exceed the project total without Owner authorization.

**Project Schedule**

The proposed project design and permitting will be completed concurrently with the existing project to be as efficient as possible with similar activities. The receipt of permits, in particular Section 404, and the Owner’s budgeting for construction will determine the bidding and advertising timeframe.

