BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION AUTHORIZING AGREEMENT WITH MIDWEST RIGHT OF WAY SERVICES INC.
FOR PROFESSIONAL SERVICES

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

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

WHEREAS, general supervision and control of the public roads of each county is vested in the County

WHEREAS, Sarpy County desires to enter into an agreement ("Agreement") with the firm of
MIDWEST RIGHT OF WAY SERVICES INC. for professional services in conjunction with 222nd Street from
Lincoln Road to Cornhusker Road for Title Searches, Appraisals, and Acquisition of Right of Way and
Various Easements in Sarpy County;

WHEREAS, the Agreement is for services that are unique, non-competitive, and professional; and

WHEREAS, entering into the Agreement with MIDWEST RIGHT OF WAY SERVICES INC is in the
best interests of the citizens of Sarpy County.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF
COMMISSIONERS THAT this Board hereby approves and adopts the Agreement for professional services
with MIDWEST RIGHT OF WAY INC, a copy of which is attached hereto, and any other related documents,
the same being approved and adopted by the Board.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk are
hereby authorized to execute on behalf of this Board, the Agreement.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public
meeting duly held in accordance with applicable law on the 13th day of March 2018.

[Signature]
Sarpy County Board Chairman

Attest:

[Seal]
County Clerk
MEMORANDUM

To:        Sarpy County Board of Commissioners
From:      Dennis L. Wilson, County Engineer
Subject:   MidWest Right of Way Services for 222nd Street
Date:      March 7, 2018

I recommend approval of MidWest Right of Way Services, Inc. for Professional Services for Title Searches, Appraisals, Acquisition of Right of Way and Various Easements, for a Maximum Fee of $ 11,375.00 in conjunction with Sarpy County Project C-77(05-3), 222nd Street from Lincoln Road to Cornhusker Road.

DLW/bjh
March 5, 2018

Mr. Gregg Nisotis  
Sarpy County Public Works  
15100 South 84th Street  
Papillion, Nebraska 68046

RE: Proposal for Right of Way Services  
222nd Street – Lincoln Road to Centennial Road

Dear Mr. Nisotis:

Midwest Right of Way Services, Inc. is pleased to provide this proposal for right of way services for the above-referenced project in Sarpy County, Nebraska.

CONSULTANT AND KEY PERSONNEL

Consultant- Midwest Right of Way Services  
13425 “A” Street  
Omaha, Nebraska 68144  
(402) 955-2900  
(402) 955-2903 FAX

Key Personnel- Jack Borgmeyer, President

PROJECT UNDERSTANDING

This project involves the acquisition of right of way, permanent easements and temporary easements from three property owners along 222nd Street, from Lincoln Road to Cornhusker Road in Sarpy County, Nebraska. The easements are required for the construction of a new culvert and embankment stabilization work along the existing roadway.

PROJECT MANAGEMENT

This task will involve coordination of all project elements so that work is initiated as it should be, appropriate progress is made, and schedules are met. Coordination and scheduling of the title work, appraisals, and the acquisition and closing process will be the responsibility of the project manager.
TITLE SEARCHES

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

APPRaisals

This task involves preparation of three narrative appraisal reports for the properties on the west side of the existing roadway. This report will provide values for the easements to be acquired. Kevin Kroeger of Valuation Services Company will prepare and provide the report. He is approved by the State of Nebraska Department of Transportation to provide appraisal reports for Federal Aid Projects.

ACQUISITION

Midwest Right of Way Services’ acquisition agent will make every effort to understand the project’s objective before meeting with the property owner. He will prepare all documents, present and explain the offer, answer all acquisition-related questions, and secure signatures from all interested parties. Our acquisition agent will obtain tenant information from property owners and proceed to obtain signed a leasehold contract, if applicable. He will negotiate in good faith and keep records of all calls made.

If condemnation is required, Midwest Right of Way Services will deliver the parcel file to Sarpy County and be available for consultation or condemnation testimony.

RESIDENCY VERIFICATION CLAUSE

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

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

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

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

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

**TEAM MEMBERS**

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

**Gene Gilmore, R/W-RAC, Relocation Agent,** will provide relocation and advisory assistance, as needed. He has worked for Midwest Right of Way Services since July, 2000. He has over 35 years of experience handling all types of relocation cases. His experience includes several large, complicated relocations such as two foundries, several salvage yards, and two lumber yards.

**Stacey A. Kroeger, R/W-RAC, Right of Way Agent,** has worked for Midwest Right of Way Services since February, 2001. She has performed acquisition negotiations and relocation assistance since May, 2005. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects.
Mr. Gregg Nisotis  
March 5, 2018

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

Jim Abbott, Right of Way Agent, has worked for Midwest Right of Way Services since January of this year. He has performed acquisition negotiations for sewer and roadway projects in Omaha, Lincoln, Sarpy County and Douglas County in Nebraska and roadway projects in Iowa. His experience includes twenty years of real estate management of commercial and investment properties in the Midwest working for a management company throughout Nebraska, Iowa, and South Dakota.

Dave Minino, Right of Way Agent, has worked for Midwest Right of Way Services since May, 2012. He has performed acquisition negotiations for state, local and federally funded projects. His experience includes right of way title searches and airport, roadway, drainage, sewer, and utility projects.

Maria Rodriguez, Right of Way Agent, has worked for Midwest Right of Way Services since October, 2013. She performed several years of acquisition negotiations and relocation assistance in Phoenix, Arizona. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects. Maria speaks and writes the Spanish language fluently.

John Borgmeyer, Right of Way Agent, joined the company in June, 2014. He has performed acquisition negotiations for state, local and federally funded projects in Nebraska, Iowa and Kansas, and relocation assistance for local and federally funded projects in Nebraska. His experience includes roadway, airport, drainage and sewer projects.

PAYMENT FOR SERVICES

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Hourly Salary Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
<td>$ 95.00</td>
</tr>
<tr>
<td>Right of Way Agent/Relocation Agent</td>
<td>$ 85.00</td>
</tr>
<tr>
<td>Mileage at Standard IRS Rate</td>
<td>$ 0.545 per mile</td>
</tr>
</tbody>
</table>

13425 “A” Street • Omaha, Nebraska 68144 • Phone 402-955-2900 • 866-955-2901 • Fax 402-955-2903
The maximum fees for each task will be as follows:

<table>
<thead>
<tr>
<th>Task</th>
<th>Maximum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Management 3 parcels @ $285.00 each</td>
<td>$855.00</td>
</tr>
<tr>
<td>Acquisition 3 parcels @ $2,040.00 each</td>
<td>$6,120.00</td>
</tr>
<tr>
<td>Title Services 3 parcels @ $200.00 each</td>
<td>$600.00</td>
</tr>
<tr>
<td>Appraisals – 3 Appraisals – Lump Sum</td>
<td>$3,800.00</td>
</tr>
</tbody>
</table>

**TOTAL MAXIMUM FEES** $11,375.00

If additional work or meetings are requested beyond the scope indicated in this proposal, we will contact you to discuss revising the contract amount before the additional work is started.

Condemnation court testimony and consultation will be billed at our standard hourly rate plus expenses, if needed. Invoices will be sent on an approximate monthly basis for services rendered. If the above described items are satisfactory to you, please sign and date the original and duplicate original of this letter in the space provided. Keep one executed copy of this letter for your files and return the duplicate copy to us for our files. Receipt of this letter contract will be considered our formal notice to proceed with the work.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.

Jack Borgmeyer  
President

Approved as to form:

Deputy County Attorney

**ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED**

Authorized Representative: [Signature]  
Date: 3/13/18

13425 "A" Street  •  Omaha, Nebraska 68144  •  Phone 402-955-2900  •  866-955-2901  •  Fax 402-955-2903