RESOLUTION APPROVING AND AUTHORIZING CHAIR TO SIGN AGREEMENT WITH MIDWEST RIGHT OF WAY SERVICES, INC. FOR PROFESSIONAL SERVICES
Project C-77 (13-4) and Project C-77 (07-4)

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 Board by virtue of Neb. Rev. Stat. § 39-1402;

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 the road improvement projects located along Giles Road west of 168th Street, (Project C-77(07-4) via Resolution 2013-181 & Project C-77(13-4) via Resolution 2015-113); and,

WHEREAS, said professional services will at a minimum include title searches, appraisals, and acquisition of right of ways and various easements in Sarpy County as further described in the attached Agreement; and,

WHEREAS, the proposed 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 authorizes the Chair and the County Clerk to sign the Agreement with Midwest Right of Way Services, Inc, a copy of which is attached hereto, and any other related documents, the same being approved and adopted by the Board.

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 (7th) day of June, 2016.

[Signatures]
Sarpy County Board Chairman

Attest

County Clerk

Seal

Seal
May 27, 2016

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

RE: Proposal for Right of Way Services
Sarpy County Project
Giles Road from 168th Street West

Dear Mr. Dowse:

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

CONSULTANT AND KEY PERSONNEL

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

Key Personnel- Jack Borgmeyer, President

PROJECT UNDERSTANDING

This project involves the acquisition of right of way from five parcels of land located along Giles Road west of 168th Street, in Sarpy County, Nebraska. The acquisitions include fee title acquisitions, permanent easements and temporary construction easements, and are required for the construction of a paving, bridge replacement and improvement project.

PROJECT MANAGEMENT

This task will involve coordination of all project elements so that work is initiated as it should be, appropriate progress is made, and schedules are met. Coordination and scheduling of the title work, appraisals, and 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 a project report and five appraisal reports which will provide values for the land, improvements and easements to be acquired. Marty Giff of Giff Property Services will prepare and provide the reports. He is approved by the State of Nebraska Department of Roads to provide appraisal reports for Federal Aid Projects.

ACQUISITION

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

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

RESIDENCY VERIFICATION CLAUSE

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

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

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

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

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

TEAM MEMBERS

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

Stacey A. Kroeger, R/W-RAC, Right of Way Agent, has worked for Midwest Right of Way Services for over 15 years. She has performed acquisition negotiations and relocation assistance for the past seven years. Her experience includes right of way title searches, acquisition negotiations and relocation assistance for state and local, federally funded projects in Iowa, Nebraska and Kansas.

Gene Gilmore, R/W-RAC, Relocation Agent, will provide relocation and advisory assistance as needed. Gilmore has over 35 years of experience handling all types of relocation cases in Nebraska, Iowa and Kansas. His experience includes several large, complicated relocations such as two foundries, several salvage yards, and two lumber yards.
Maria Rodriguez, Right of Way Agent, is qualified in all aspects of land acquisition and relocation assistance. She has performed acquisition and relocation assistance for the last seven years in Phoenix, Arizona and Omaha. Her experience includes right of way title searches, acquisition negotiations and relocation assistance for state, local, and federally funded projects in Arizona and Nebraska.

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

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

John Borgmeyer, Right of Way Agent, joined the company in June, 2014. He has degrees from McNally Smith College in St. Paul, MN and the University of Nebraska at Omaha, and has experience with land acquisition for roadway, utility and drainage projects in Nebraska.

Office support and document preparation for Midwest Right of Way’s acquisition and relocation agents will be provided by Midwest administrative personnel.

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>Task</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>$ 0.54 per mile</td>
</tr>
</tbody>
</table>

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 5 parcels @ $285.00 each</td>
<td>$ 1,425.00</td>
</tr>
<tr>
<td>Acquisition 5 parcels @ $2,125.00 each</td>
<td>$ 10,625.00</td>
</tr>
<tr>
<td>Title Services 5 parcels @ $200.00 each</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td>Appraisals – 1 Project Report, 5 Appraisals</td>
<td>$ 8,000.00</td>
</tr>
</tbody>
</table>

TOTAL MAXIMUM FEES $ 21,050.00

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

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED

Authorized Representative

Date: 6/7/16

Approved as to form

Deputy County Attorney