

## MEMORANDUM

TO: Finance, Expenditure and Legal

FROM: Ian Ghanavati, Water Resources Engineer

SUBJECT: Remnant Right-of-Way Transfer to Hagen Hills, LLC

DATE: November 12, 2024

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Dam Site 7 (DS-7) is a future reservoir to be located at approximately 168<sup>th</sup> Street and Military Road. The attached Exhibit 1 shows the preliminary layout of the DS-7 site and calls out the location of a future road (Rainwood Road) which routes across the reservoir. DS-7 is not anticipated to be constructed until approximately 2030; however, the surrounding area is rapidly developing, and the District has acquired right-of-way from voluntary sellers.

In April of 2024, the Papio NRD Board approved an Interlocal Cooperation Agreement between the District, Douglas County, SID 623, SID 633, and Bennington Public Schools. The agreement designated responsibilities for the funding and construction of Rainwood Road, in which the District agreed to dedicate necessary right-of-way and/or easements for the project.

After dedication of the Rainwood Road ROW, the District has been left as the owner of a remnant 0.041-acre piece of land within one of SID 633's (Hagen Hill's) outlots. District staff recommend that this piece be transferred to Hagen Hills via the attached quitclaim deed.

**Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Quitclaim Deed with Hagen Hills Homeowners Association, Inc., subject to such other terms and conditions as the General Manager determines necessary and Legal Counsel approves as to form.**



# P-MRNRD DS-7 RESERVOIR

BENNINGTON, NE



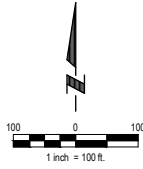
# HAGEN HILLS

LOTS 1 THRU 46 & OUTLOTS "A" THRU "E" INCLUSIVE

A TRACT OF LAND BEING ALL OF THE SW¼ OF THE SW¼ OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA.

## LEGEND

- BASIS OF BEARING: DOUGLAS COUNTY LOW DISTORTION PROJECTION
- BOUNDARY LINE
  - RIGHT OF WAY LINE
  - LOT LINE
  - EASEMENTS
  - EXIST. SECTION CORNER
  - EXIST. SECTION LINES
  - EXIST. PROPERTY LINES
  - EXIST. EASEMENTS
  - (M) MEASURED DISTANCE



CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	100.00'	116.27'	65.71'	68°36'57"
2	100.00'	229.83'	222.94'	131°40'59"
3	100.00'	87.98'	47.07'	50°24'38"
4	100.00'	112.43'	63.00'	64°29'13"
5	100.00'	157.26'	100.18'	90°26'06"
6	100.00'	77.49'	40.81'	44°24'03"

CURVE	RADIUS	LENGTH	TANGENT	DELTA
7	100.00'	84.85'	45.17'	48°36'58"
8	150.00'	26.21'	13.14'	10°00'42"
9	150.00'	41.87'	21.07'	15°59'37"
10	100.00'	157.08'	100.00'	90°00'00"
11	100.00'	51.95'	26.58'	29°46'53"
12	100.00'	105.12'	58.00'	60°13'39"

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, HAGEN HILLS LLC AND PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, THE OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR CERTIFICATION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS HAGEN HILLS LOTS TO BE NUMBERED AS SHOWN, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AND AVENUES, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT. WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, CENTURYLINK AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SURVEYED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SIGNALS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEIVING ON, OVER, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES. AN EIGHT-FOOT (8) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS, AND A SIXTEEN-FOOT (16) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREBY DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. SAID SIXTEEN-FOOT (16) WIDE EASEMENT WILL BE REDUCED TO AN EIGHT-FOOT (8) WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPES, HYDRANTS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL STREET FRONTS OF ALL LOTS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARAGES, SHEDS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

HAGEN HILLS LLC

JOHN HUGHES, MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

JOHN WINKLER, GENERAL MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

## ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )

COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME JOHN HUGHES, MANAGER OF HAGEN HILLS LLC, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

## ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )

COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME JOHN WINKLER, GENERAL MANAGER OF PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

## NOTES:

- DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO N 168TH STREET FROM LOTS 1 THRU 4 AND 11 THRU 14 & OUTLOTS "A" AND "C" THRU "D" ABUTTING SAID STREET. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO RAINWOOD ROAD FROM OUTLOTS "A" THRU "D" AND "E" ABUTTING SAID STREET.
- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
- ALL EASEMENTS THAT ARE NOT LABELED WITH ANY RECORDING INFORMATION WILL BE RECORDED BY A SEPARATE DOCUMENT.
- THE CHAMBERS FOR SIDEWALKS ON CORNER LOTS ARE SET AT TWELVE AND HALF FEET (12½) RADII FROM THE INTERSECTION OF RIGHT-OF-WAY LINES. NO ANGLES SHOWN WHEN RIGHT-OF-WAY LINES HAVE 90° ANGLE.
- A 115' NOISE ATTENUATION EASEMENT IS HEREBY GRANTED AS INDICATED ALONG RAINWOOD ROAD AND N 168TH STREET. THE PURPOSE OF THE EASEMENT IS TO KEEP STRUCTURES, PATIOS, DECKS, SWING SETS, PLAYGROUND, POOLS, OR ANY OTHER FACILITIES THAT COULD BE OCCUPIED BY OR SERVED AS A GATHERING PLACE OF PERSONS), AS FAR AWAY FROM TRAFFIC NOISE OF RAINWOOD ROAD AND N 168TH STREET AS THE PLAT WILL ALLOW. CONSTRUCTION OF SUCH FACILITIES WITHIN THE EASEMENT SHALL BE PROHIBITED.

## SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY OF THE WITHIN PLAT AND THAT A BOND HAS BEEN FURNISHED TO THE CITY OF OMAHA TO ENSURE PLACING OF PERMANENT MONUMENTS AND STAKES AT ALL CORNERS OF ALL LOTS, STREETS AND ANGLE POINTS IN HAGEN HILLS (THE LOTS NUMBERED AS SHOWN). A TRACT OF LAND BEING ALL OF THE SW¼ OF THE SW¼ OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 15, THENCE N00°00'03"E (BEARINGS BASED ON DOUGLAS COUNTY LOW DISTORTION PROJECTION) ALONG THE WEST LINE OF SAID SW¼ OF THE SW¼ OF SECTION 15, A DISTANCE OF 1,333.07 FEET TO THE NORTHWEST CORNER OF SAID SW¼ OF THE SW¼ OF SECTION 15, THENCE N89°51'59"E ALONG THE NORTH LINE OF SAID SW¼ OF THE SW¼ OF SECTION 15, A DISTANCE OF 1,315.35 FEET TO THE NORTHEAST CORNER OF SAID SW¼ OF THE SW¼ OF SECTION 15, THENCE S00°03'37"W ALONG THE EAST LINE OF SAID SW¼ OF THE SW¼ OF SECTION 15, A DISTANCE OF 1,323.82 FEET TO THE SOUTHWEST CORNER OF SAID SW¼ OF THE SW¼ OF SECTION 15, THENCE S89°53'56"W ALONG THE SOUTH LINE OF SAID SW¼ OF THE SW¼ OF SECTION 15, A DISTANCE OF 1,313.97 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,739.874 SQUARE FEET OR 39.942 ACRES, MORE OR LESS.

ERIC A. SCHABEN LS-608 \_\_\_\_\_ DATE \_\_\_\_\_

## OMAHA CITY COUNCIL ACCEPTANCE

THIS PLAT OF HAGEN HILLS (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF OMAHA.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST

CITY CLERK

PRESIDENT OF COUNCIL

## APPROVAL OF CITY ENGINEER OF OMAHA

I HEREBY APPROVE THIS PLAT OF HAGEN HILLS (LOTS NUMBERED AS SHOWN) AS TO THE DESIGN STANDARDS.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

I HEREBY CERTIFY THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR COMPLIANCE WITH CHAPTER 53 OF THE OMAHA MUNICIPAL CODE.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

## APPROVAL OF OMAHA CITY PLANNING BOARD

THIS PLAT OF HAGEN HILLS (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY PLANNING BOARD.

CHAIRMAN OF CITY PLANNING BOARD \_\_\_\_\_ DATE \_\_\_\_\_

## COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

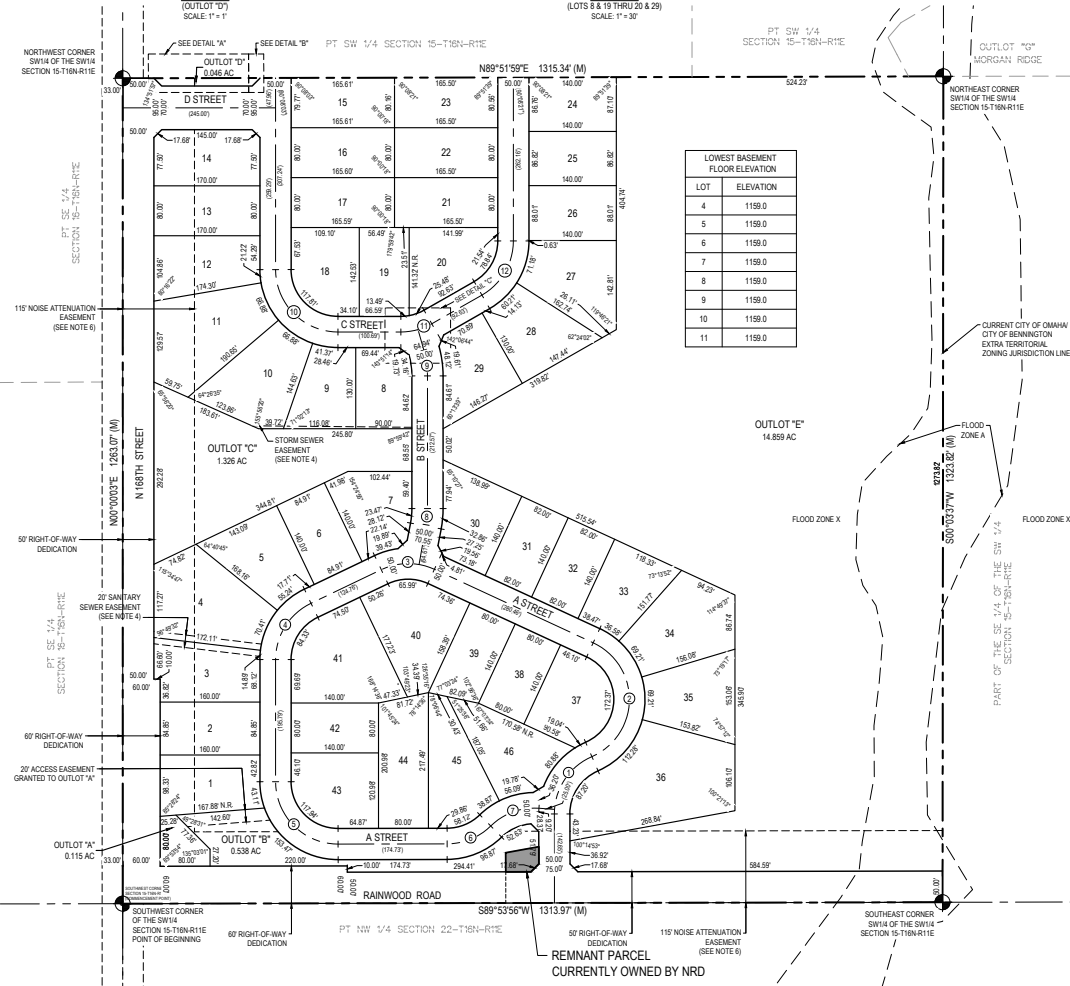
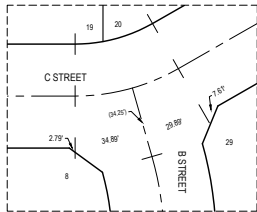
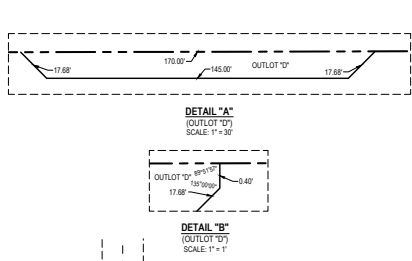
## REVIEW OF DOUGLAS COUNTY ENGINEER

THIS PLAT OF HAGEN HILLS (LOTS NUMBERED AS SHOWN) WAS REVIEWED BY THE OFFICE OF THE DOUGLAS COUNTY ENGINEER.

DOUGLAS COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

### LOWEST BASEMENT FLOOR ELEVATION

LOT	ELEVATION
4	1159.0
5	1159.0
6	1159.0
7	1159.0
8	1159.0
9	1159.0
10	1159.0
11	1159.0



**E & A CONSULTING GROUP, INC.**  
 Engineering • Planning • Environmental & Field Services  
 10059 Mil Valley Road, Suite 100 • Omaha, NE 68154  
 Phone: 402.895.4100 • Fax: 402.895.3599  
 State of NE Certificate of Authorization #20080

**e-a CONSULTING GROUP, INC.**  
 Engineering Answers

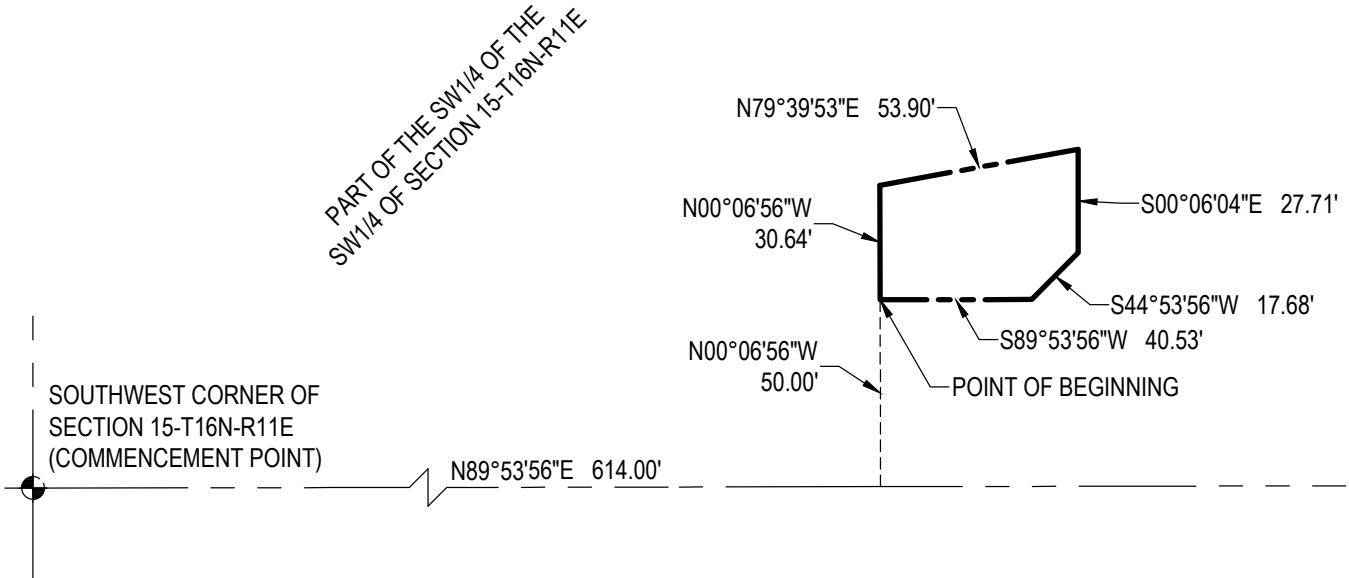
HAGEN HILLS  
 LOTS 1 THRU 46 & OUTLOTS "A" THRU "E" INCLUSIVE  
 OMAHA, NEBRASKA

FINAL PLAT

Date	Description
06/12/2024	DESIGNED BY: JSS
	DRAWN BY: BMP
	SCALE: 1" = 100'
	SHEET: 1 of 1

Plat No: P2022.07.001  
 Date: 06/12/2024  
 Drawn By: BMP  
 Scale: 1" = 100'  
 Sheet: 1 of 1  
 11/15/2023 12:42:04 - F:\Projects\2022\101 - Hagen Hills\Hagen Hills Final Plat.dwg (W80) (0) (A0) (DMS) (Close) (Issue) (Save) (Print) (Exit)

## EXHIBIT "A"

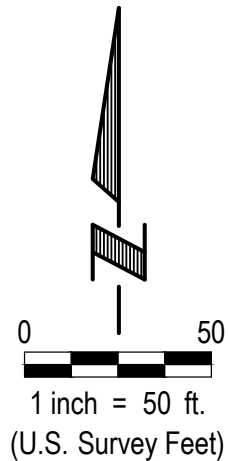


### LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE N89°53'56"E (BEARINGS BASED ON DOUGLAS COUNTY LOW DISTORTION PROJECTION) ALONG THE SOUTH LINE OF SAID SW1/4 OF SECTION 15, A DISTANCE OF 614.00 FEET; THENCE N00°06'56"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°06'56"W, A DISTANCE OF 30.64 FEET; THENCE N79°39'53"E, A DISTANCE OF 53.90 FEET; THENCE S00°06'04"E, A DISTANCE OF 27.71; THENCE S44°53'56"W, A DISTANCE OF 17.68 FEET; THENCE S89°53'56"W ALONG A LINE 50.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SW1/4 OF SECTION 15, A DISTANCE OF 40.53 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,801 SQUARE FEET OR 0.041 ACRES, MORE OR LESS.



 <b>E &amp; A CONSULTING GROUP, INC.</b> <i>Engineering Answers</i>	<b>E &amp; A CONSULTING GROUP, INC.</b> Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599		<b>BOUNDARY LEGAL</b> <b>PART OF THE SW1/4 OF THE SW1/4</b> <b>OF SECTION 15-T16N-R11E</b> DOUGLAS COUNTY, NEBRASKA
	Job No.: P2022.078.001	Date: 11/28/2023	
Drawn by: RLS	Scale: 1"=50'	Sht: 1 of 1	

After recording, return to:

Martin P. Pelster, Esq.  
CROKER HUCK LAW FIRM  
2120 South 72<sup>nd</sup> Street, Suite 1200  
Omaha, Nebraska 68124

**QUITCLAIM DEED**

The **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**, a **governmental subdivision of the State of Nebraska**, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, quitclaims to the **HAGEN HILLS HOMEOWNERS ASSOCIATION, INC., a Nebraska nonprofit corporation**, GRANTEE, all its right, title and interest in the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Outlot B, Hagen Hills, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska.

EXECUTED this \_\_\_ day of October, 2024.

**GRANTOR:**  
**Papio-Missouri River Natural Resources District**

By: \_\_\_\_\_  
Name: John G. Winkler  
Title: General Manager

STATE OF NEBRASKA    )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of October, 2024, before me, a Notary Public in and for said County, personally came the above named JOHN G. WINKLER, General Manager of the Papio-Missouri River Natural Resources District, and he acknowledged the execution of the above Quit Claim Deed as his voluntary act and deed and the voluntary act and deed of said PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT.

WITNESS my hand and Notarial Seal the date last aforesaid.

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