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JUN 23 2010

LANCASTER COUNTY
CLERK

EXHIBIT E

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF APPROVAL)	
OF THE AGREEMENT BETWEEN)	RESOLUTION NO. <u>R-10-0044</u>
THE CITY OF LINCOLN, LANCASTER)	
COUNTY AND THE STATE OF NEBRASKA)	
DEPARTMENT OF ROADS FOR THE)	
ACQUISITION OF RIGHT OF WAY)	
)	

WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska, desire to acquire a portion of Right-of-Way Property needed for the Lincoln East Beltway; and

WHEREAS, the Nebraska Department of Roads has the authority to acquire lands, real or personal property or interests therein, or any easements deemed to be necessary or desirable for any present or future state highway purpose by gift, agreement, purchase, condemnation or otherwise; and

WHEREAS, the County of Lancaster, Nebraska, desires to execute the Agreement between Lancaster County, the City of Lincoln, and the State of Nebraska Department of Roads for the purchase of right-of-way for the protection of the South Beltway and East Beltway; and

WHEREAS, Lancaster County desire that the right-of-way described in the Agreement be included in the project under the designation of DPU-3300(3), DPU-2-6(117), DPU-2-6(118), DPU-2-6(119), DPU-LIN-2(120), and DPU-55(156) City Project No. 542702.

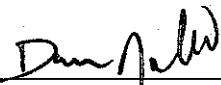
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lancaster County, Nebraska, that the County of Lancaster, Nebraska, that the Agreement between Lancaster County, the City of Lincoln, and the State of Nebraska Department of Roads, which is attached hereto and made a part by this reference, be executed by the Board

and that the project described in the Agreement be included the project under the designation of DPU-3300(3), DPU-2-6(117), DPU-2-6(118), DPU-2-6(119), DPU-LIN-2(120), and DPU-55(156) City Project No. 542702.


DATED this 29th day of June, 2010, at the County-City Building, Lincoln, Lancaster County, Nebraska.


BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA


Attest

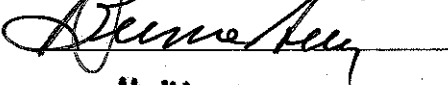


Clerk









Hudkins Absent

APPROVED AS TO FORM
this 23rd day of
June, 2010.



for GARY E. LACEY
County Attorney

AGREEMENT

CITY OF LINCOLN
COUNTY OF LANCASTER
STATE OF NEBRASKA, DEPARTMENT OF ROADS
PROJECTS: DPU-3300(3), STATE CONTROL NO. 12578
DPU-2-6(117), STATE CONTROL NO. 12578A,
DPU-2-6(118), STATE CONTROL NO. 12578B,
DPU-2-6(119), STATE CONTROL NO. 12578C,
DPU-LIN-2(120), STATE CONTROL NO 12578D, &
DPU-55(156), CITY PROJECT NO, 542702
LINCOLN SOUTH BELTWAY & LINCOLN EAST BELTWAY

C-10-0288
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JUN 16 2010

LANCASTER COUNTY
CLERK

THIS AGREEMENT, entered into between the City of Lincoln, hereinafter referred to as the "City", Lancaster County, hereinafter referred to as the "County", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State," the three parties hereinafter referred to collectively as "the Parties".

WITNESSETH:

WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 *et seq.*, permits units of local government in the State of Nebraska to cooperate with other localities on a basis of mutual advantage and thereby provide services in a manner that will best serve local communities; and

WHEREAS, pursuant to *Neb. Rev. Stat. §39-1320*, the State of Nebraska, Department of Roads has the authority to acquire, either temporarily or permanently, lands, real or personal property or any interests therein, or any easements deemed to be necessary or desirable for any present or future state highway purpose by gift, agreement, purchase, condemnation, or otherwise; and

WHEREAS, the State has plans for the construction of Project DPU-2-6(118) Lincoln South Beltway 84th Street to 134th Street, Control No. 12578B, hereinafter referred to as "Lincoln South Beltway Project", as shown on Exhibit "A", attached hereto and hereby made a part of this agreement, and the City and the County have plans for the construction of a project, called the Lincoln East Beltway Project, City Project No. 542702 as shown on Exhibit "A", and

WHEREAS, Mr. and Mrs. Bhadbhade own real property, hereinafter referred to as the "Property", as described on Exhibit "B", and

WHEREAS, the Lincoln South Beltway Project and the Lincoln East Beltway Project will each include acquisition of fee title to a portion of the Property for public right-of-way as shown on Exhibit "A" and described in Exhibit "C", hereinafter referred to as "Right-of-Way Property", and

on the preliminary cost estimate, the Lincoln East Beltway's share for the cost of the Right-of-Way Property will be \$255,528 ($\$486,720 \times .525 = \$255,528$), however the Parties recognize this is a preliminary estimate only and that the final right-of-way costs are likely to be higher or lower.

SECTION 2. State Duties. The State agrees to:

- a) Provide the current design plan of the Right-of-Way Property needed for both the Lincoln South Beltway and the Lincoln East Beltway, as shown on Exhibit "A".
- b) Perform the appraisals and acquire the Right-of-Ray Property needed for both the Lincoln South Beltway and the Lincoln East Beltway projects. The right-of-way needed for the Lincoln East Beltway will be acquired in the name of Lancaster County.
- c) Submit a bill to the City requesting reimbursement from the City for the County and City's share (52.5%) of the total cost expense to acquire the 10.65 acres of the Right-of-Way Property necessary to build the Lincoln East Beltway Project.
- d) Acquire the Right-of-Way Property in accordance with the Uniform Act and Federal Aid rules. Eminent Domain will not be used if agreement is not reached with Mr. and Mrs. Bhadbhade.

SECTION 3. City Duties. The City agrees to reimburse the State for the City and County's share of all costs incurred by the State, for acquiring the 10.65 acres of the Right-of-Way Property needed for the Lincoln East Beltway Project. When the final right-of-way contracts have been signed, the State will bill the City for all known State incurred expenses to acquire the 10.65 acres of Right-of-Way Property needed for the Lincoln East Beltway Project. The City agrees to pay the State the City and County's share within sixty days after receipt of a billing from the State.

SECTION 4. County Duties. The County acknowledges and agrees that the City and the County have previously entered into an agreement between themselves for a 50/ 50 cost share for the 10.65 acres of Right-of-Way Property needed for the Lincoln East Beltway Project and as such the City will bill and the County will pay to the City 50 percent of the total costs expense that the State is billing the City for the 10.65 acres of Right-of-Way Property needed for the Lincoln East Beltway Project. The County agrees to pay the City the County's 50 percent share for the 10.65 acres of Right-of-Way Property needed for the East Beltway Project within sixty days after receipt of a billing from the City.

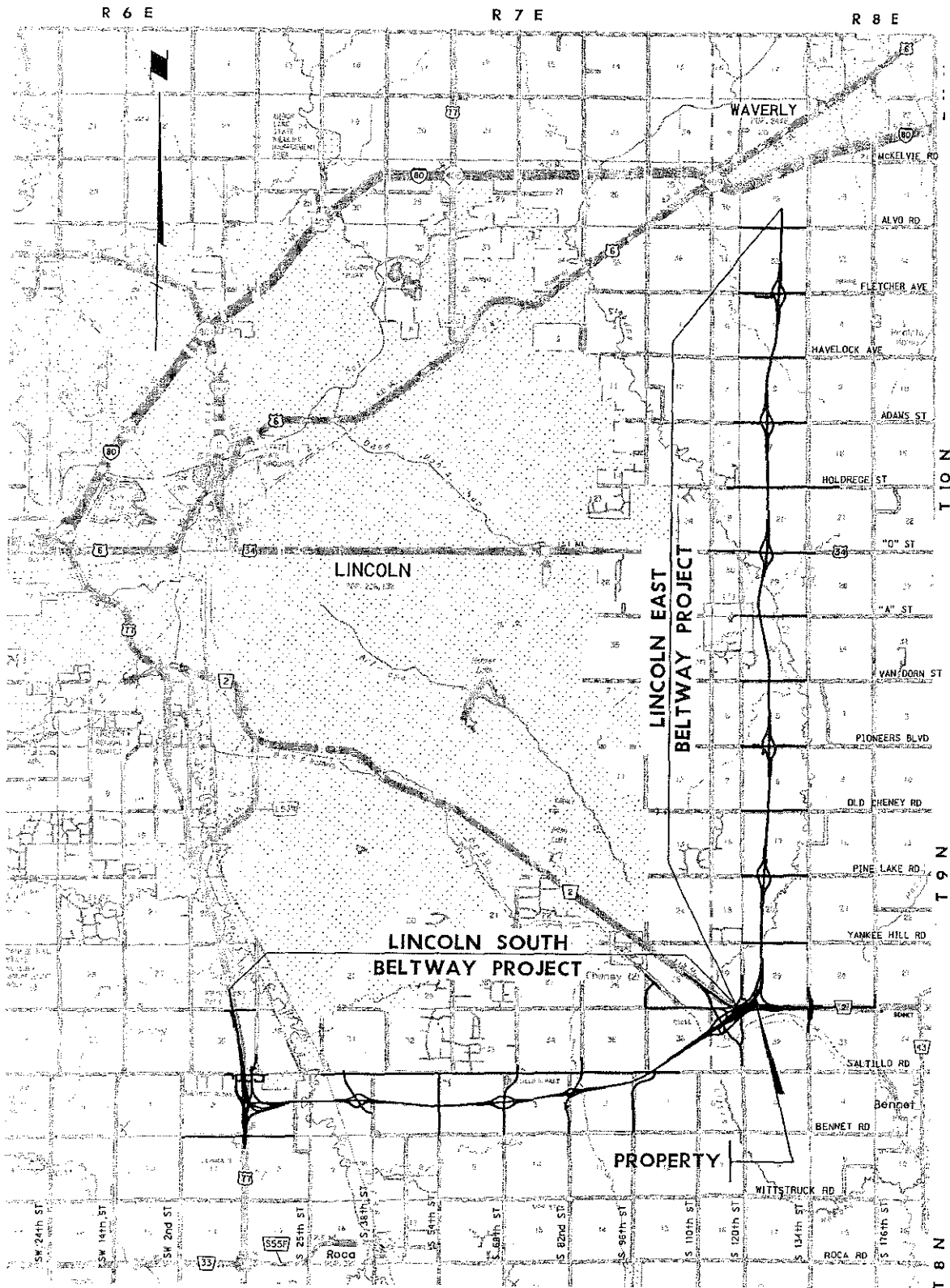
SECTION 10. Equal Employment Opportunity. Each party agrees that in providing services pursuant to this Agreement, it shall not discriminate against any employee, applicant for employment, or any other person on the basis of race, color, religion, sex, disability, national origin, age, marital status, or any other basis prohibited by applicable state or federal law.

SECTION 11. FEDERAL IMMIGRATION VERIFICATION. To the extent required by law and in accordance with Neb. Rev. Stat. §§ 4-108 through 4-114, all parties agree to register with and use a federal immigration verification system, to determine the work eligibility status of new employees physically performing services within the state of Nebraska under this contract. A federal immigration verification system means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 USC 1324 a, otherwise 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. The Parties shall not discriminate against any employee, or applicant for employment, to be employed in the performance of this section, in violation of State or Federal law. The Parties shall require any subcontractors to comply with the provisions of this section.

SECTION 12. AUDIT AND REVIEW. The State shall be subject to audit pursuant to Chapter 4.66 of the Lincoln Municipal Code and shall make available to a contract auditor, as defined therein, copies of all financial and performance related records and materials germane to this Agreement, as allowed by law.

SECTION 13. Entire Agreement. This agreement constitutes the entire agreement between the parties with respect to the subject matter herein and merges all prior discussions between them. It shall not be modified except by written agreement dated subsequent to the date of this Agreement and signed by all parties.

LINCOLN
LANCASTER COUNTY
NEBRASKA



DPU-3300(3), STATE CN. 12578
DPU-2-6(117), STATE CN. 12578A
DPU-2-6(118), STATE CN. 12578B
DPU-2-6(119), STATE CN. 12578C
DPU-LIN-2(120), STATE CN. 12578D
DPU-55(156), CITY PROJECT NO. 542702

EXHIBIT "A"

BHADBHADE

PROJECT 2-6 (120) TRACT 76

ROW1

A TRACT OF LAND LOCATED IN A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE IN A NORTHERLY DIRECTION, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 25 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 141.45 FEET, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 78.21 FEET TO THE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 44 MINUTES 51 SECONDS WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY NO.2 FOR A DISTANCE OF 391.26 FEET, THENCE NORTH 07 DEGREES 02 MINUTES 40 SECONDS EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY NO. 2, FOR A DISTANCE OF 127.66 FEET, THENCE SOUTH 89 DEGREES 52 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 1825.91 FEET, THENCE SOUTH 00 DEGREES 25 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 476.59 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY NO.2, THENCE NORTH 88 DEGREES 06 MINUTS 33 SECONDS WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY NO. 2, FOR A DISTANCE OF 608.79 FEET, THENCE SOUTH 87 DEGREES 18 MINUTES 50 SECONDS WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY NO. 2, FOR A DISTANCE OF 1225.85 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

City/County Required ROW

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY A DISTANCE OF 429.00 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTHEASTERLY DEFLECTING 063 DEGREES, 48 MINUTES, 07 SECONDS RIGHT, A DISTANCE OF 79.71 FEET TO A POINT ON THE EASTERLY EXISTING 120TH STREET RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 209.44 FEET; THENCE NORTHEASTERLY DEFLECTING 005 DEGREES, 18 MINUTES, 31 SECONDS LEFT, A DISTANCE OF 201.19 FEET TO A POINT ON THE NORTH LINE OF THE PROPERTY OWNED BY THE GRANTOR(S); THENCE EASTERLY DEFLECTING 031 DEGREES, 12 MINUTES, 43 SECONDS RIGHT, A DISTANCE OF 1479.89 FEET ALONG SAID LINE TO A POINT ON THE EAST LINE OF THE PROPERTY OWNED BY THE GRANTOR(S); THENCE SOUTHERLY DEFLECTING 090 DEGREES, 17 MINUTES, 41 SECONDS RIGHT, A DISTANCE OF 350.56 FEET ALONG THE PROPERTY LINE OF THE GRANTOR(S); THENCE WESTERLY DEFLECTING 097 DEGREES, 20 MINUTES, 58 SECONDS RIGHT, A DISTANCE OF 731.92 FEET; THENCE WESTERLY DEFLECTING 004 DEGREES, 29 MINUTES, 01 SECONDS LEFT, A DISTANCE OF 206.82 FEET; THENCE WESTERLY DEFLECTING 003 DEGREES, 11 MINUTES, 47 SECONDS LEFT, A DISTANCE OF 436.19 FEET; THENCE WESTERLY DEFLECTING 008 DEGREES, 15 MINUTES, 57 SECONDS RIGHT, A DISTANCE OF 84.68 FEET; THENCE WESTERLY DEFLECTING 017 DEGREES, 40 MINUTES, 57 SECONDS LEFT, A DISTANCE OF 182.51 FEET; THENCE SOUTHWESTERLY DEFLECTING 010 DEGREES, 37 MINUTES, 18 SECONDS LEFT, A DISTANCE OF 217.72 FEET TO A POINT ON THE EASTERLY EXISTING 120TH STREET RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 109 DEGREES, 12 MINUTES, 13 SECONDS RIGHT, A DISTANCE OF 138.91 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 10.65 ACRES, MORE OR LESS.

EXHIBIT "C"

SHEET 2 OF 2