

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JANUARY 20, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROFESSIONAL SERVICES AGREEMENT — MIDWEST RIGHT OF WAY SERVICES, INC.	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve a professional services agreement with Midwest Right of Way Services, Inc., of Omaha, NE for acquisition and relocation services for the 84<sup>th</sup> Street Redevelopment Area.

**FISCAL IMPACT**

Maximum fee \$121,500.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Over the last several years the City Council and the La Vista Community Development Agency have taken several actions (as outlined below) to lay the foundation for potential property acquisition in an area along the 84<sup>th</sup> Street corridor. The City is now proposing to go forward with the acquisition and relocation process for the Phase 1 Redevelopment Project (see attached map).

Midwest Right of Way Services has submitted a proposal, which is attached, to provide acquisition and relocation services for this project to include negotiations with owners and tenants to acquire property and to relocate businesses. You will recall the City used Midwest Right of Way Services in the past in conjunction with the Thompson Creek housing acquisition process.

Prior actions include: On February 7, 2012, the City by Resolution No. 12-011 declared the 84<sup>th</sup> Street Redevelopment Area a substandard and blighted area in need of redevelopment. Ordinance No. 1167 was also adopted on this date creating the La Vista Community Development Agency, governed by the Mayor and City Council and providing for actions of the Agency to be taken at City Council meetings.

On July 16, 2013, the City by Resolution No. 13-065 approved the Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area, including an Initial Redevelopment Project involving acquisition of portions of the area.

On August 6, 2013, the La Vista Community Development Agency by Resolution No. 13-073 declared the necessity of acquiring real property for the Initial Redevelopment Project as described in the Redevelopment Plan or for its purposes.

On December 17, 2013, a public hearing was held on the proposed project and acquisition of real property and interests in real property for the Initial Redevelopment Project. Notices were published and mailed in accordance with applicable law.

In May of 2014 the voters authorized an additional ½ cent local option sales tax to fund projects related to the redevelopment of 84<sup>th</sup> Street.

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MIDWEST RIGHT OF WAY SERVICES, INC, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$121,500.

WHEREAS, the Mayor and City Council, as the governing body of the La Vista Community Development Agency, have determined that acquisition and relocation services for the 84<sup>th</sup> Street Redevelopment Area are necessary; and

WHEREAS, Midwest Right of Way Services has submitted a proposal to provide acquisition and relocation services for this project to include negotiations with owners and tenants to acquire property and to relocate businesses; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council as the governing body of the La Vista Community Development Agency, of La Vista, Nebraska, do hereby approve an agreement for professional services with Midwest Right of Way Services, Inc., Omaha Nebraska in an amount not to exceed \$121,500.

PASSED AND APPROVED THIS 20TH DAY OF JANUARY, 2015.

CITY OF LA VISTA

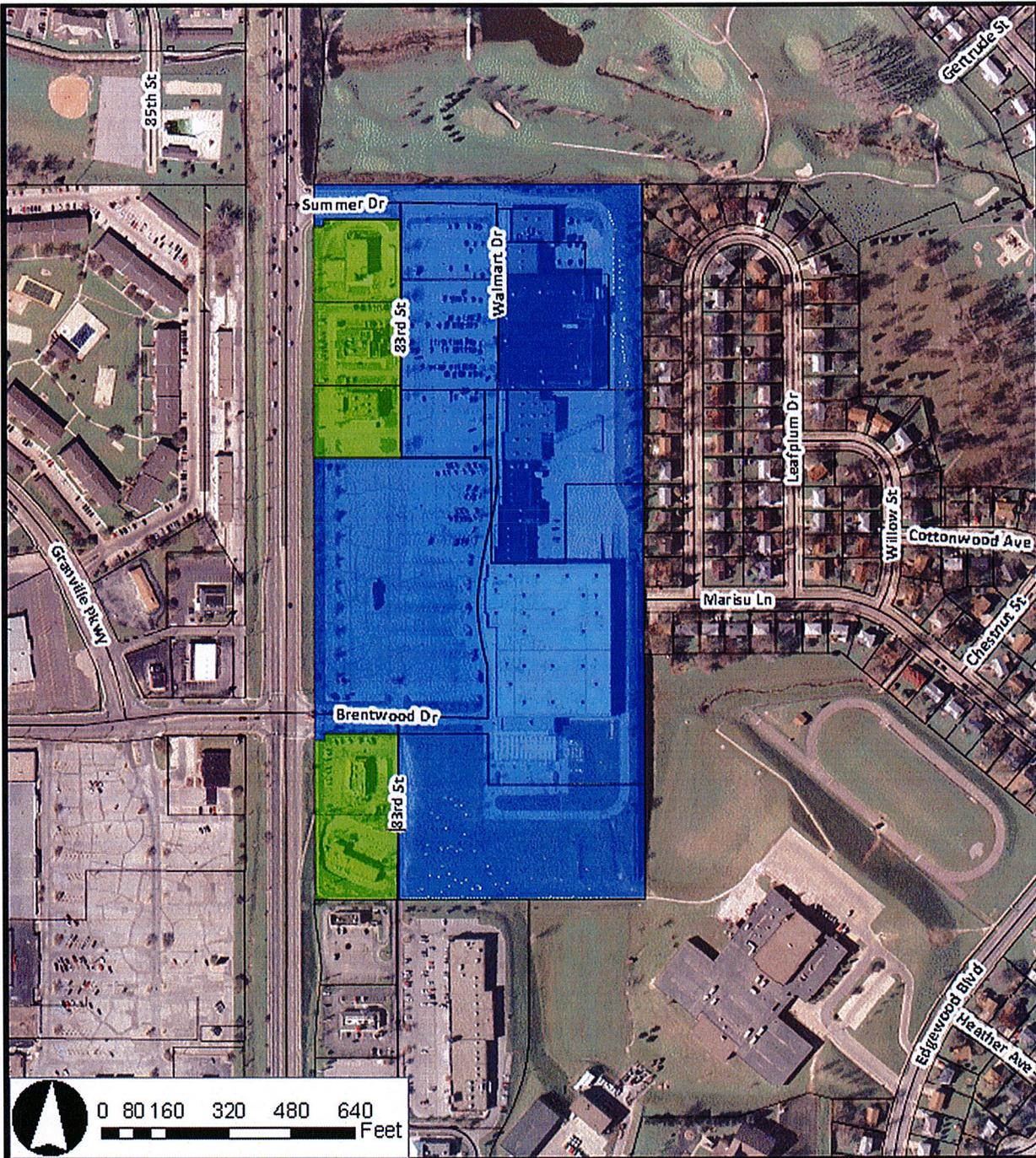
\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

# INITIAL PROPERTY ACQUISITIONS

84TH STREET REDEVELOPMENT AREA  
LA VISTA, NEBRASKA



## LEGEND

-  ZONE A
-  ZONE B

ILLUSTRATION 7

# MIDWEST

Right of Way Services, Inc.

[www.midwest.com](http://www.midwest.com)

January 22, 2014

Brenda Gunn  
La Vista Community Development Agency  
8116 Park View Boulevard  
La Vista, Nebraska 68128

RE: Proposal for Right of Way Services  
Initial Redevelopment Project for the 84<sup>th</sup> Street Redevelopment Area

Dear Ms. Gunn:

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

## ***CONSULTANT AND KEY PERSONNEL***

***Consultant -*** Midwest Right of Way Services, Inc.  
13425 "A" Street  
Omaha, Nebraska 68144  
(402) 955-2900

***Key Personnel -*** Jack Borgmeyer, President

## ***PROJECT UNDERSTANDING***

This project involves the negotiation for acquisition of land from one property owner and the acquisition of leased fee interests from five tenants in Sarpy County, Nebraska, as shown on the map of Brentwood Crossing provided by the La Vista Community Development Agency, and attached hereto. The project will also require the displacement of eleven (11) commercial tenant businesses and one business owner located at the site. The land acquisition and relocations are necessary for the redevelopment of the entire site.

## ***WORK PLAN/APPROACH***

The following tasks will accomplish the project according to the intent of the La Vista Community Development Agency.

## ***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. A project meeting involving the right of way manager and the La Vista Community Development Agency will be the project's first activity. Coordination and scheduling of the acquisition and relocations will be the responsibility of the right of way manager. Periodic progress meetings will be required throughout the acquisition process.

## ***TITLE COMMITMENTS***

A Title Commitment will be obtained by the Community Development Agency for the affected property in order to determine fee ownership, easements, and any liens and encumbrances which will affect the title. The commitment will provide the requirements to obtain good, marketable title for the Agency.

## ***APPRAISALS***

Appraisals of the property have been completed to estimate just compensation for the land to be acquired. The independent fee appraiser was hired directly by the La Vista Community Development Agency

## ***ACQUISITION***

The first step in the acquisition process is to review the title commitment and appraisal report for the property. The necessary purchase documents will be prepared by Midwest and approved by the La Vista Community Development Agency before an offer is made. After the documents have been prepared and reviewed, an offer will be made to the property owner in writing. Each visit will be documented on a call report and kept in the parcel file.

If necessary, a recommendation for a negotiated settlement will be made to the Agency. When an agreement is reached, we will obtain the necessary signatures of all interested parties. Our goal will be to acquire the necessary land by voluntary purchase.

## ***RELOCATION ASSISTANCE SERVICES***

Midwest's relocation agents will provide relocation assistance and advisory services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and the Nebraska Relocation Assistance Act. The relocation agent will meet with the Agency to review the program and discuss the scope of work before beginning any activities relating to relocation assistance. They will follow the general procedures, provide services, create and maintain records, and submit reports and status reports as required by State and Federal procedures. The tasks involved with relocation activities include initial interviews with displacees, preparation of studies, presentation of offers, inspecting replacement properties, attending closings, monitoring moves, processing and reviewing claims, and providing advisory assistance.

## ***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 30 years of experience relating to real estate and right of way.

*Gene Gilmore, R/W-RAC, Relocation Agent*, will provide relocation and advisory assistance as needed. Gilmore has over 35 years' 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.

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

*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 five years in Phoenix, Arizona. Her experience includes right of way title searches, acquisition negotiations and relocation assistance for state, local, and federally funded projects in Arizona.

*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.

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

*Lynda Steigerwalt* provides office support and document preparation for Midwest Right of Way's acquisition and relocation agents. She has over seven years of experience in the title insurance and real estate industries.

***AVAILABILITY***

Midwest Right of Way Services can begin the scope of work indicated above once the “Notice to Proceed” has been received.

***PAYMENT FOR SERVICES***

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

	<b><i>Hourly Salary Rates</i></b>
Project Manager	\$95.00
Right of Way Agent/Relocation Agent	\$85.00

The maximum fees for each task will be as follows:

<b>Task</b>		<b>Maximum Fee</b>
Project Management	Lump Sum	\$7,600.00
Acquisition Negotiations	6 – Owners @ \$3,400.00 each	\$20,400.00
Relocation Assistance	11 - commercial/business cases	\$93,500.00
<b>Total Maximum Fee</b>		<b>\$121,500.00</b>

The maximum fee for the project, which includes right of way project management, acquisition negotiations and relocation assistance, is **\$121,500.00**.

Hourly fees will be billed at our standard hourly rate plus expenses. 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. Invoices will be sent on an approximate monthly basis for services rendered.

***SUMMARY***

We believe this proposal demonstrates our understanding of the project and the right of way acquisition process. We understand the importance of acquiring these property rights expeditiously and in a positive manner which results in fair treatment for both the property owner and the City of La Vista Community Development Agency.

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 duplicated 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  
City of La Vista Community Development Agency

Date: \_\_\_\_\_