

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JULY 2, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROFESSIONAL SERVICES AGREEMENT – ◆ RIGHT OF WAY SERVICES EASTPORT PARKWAY ROUNDABOUT	RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared to approve a Professional Services Agreement with Midwest Right of Way Services, Omaha, Nebraska for right of way services associated with a roundabout at Eastport Parkway and Port Grace Plaza in an amount not to exceed \$8,575.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for this project.

**RECOMMENDATION**

Approval

**BACKGROUND**

Right-of-way services for title search, appraisal, acquisition negotiation and document preparation are necessary for the acquisition of right of way and easements from an adjacent property in order to construct the roundabout improvements at Eastport Parkway and Port Grace Plaza.

Midwest Right of Way Services has submitted the attached proposal for review and execution. Work will begin immediately upon approval and is expected to be completed over the next few months.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MIDWEST RIGHT OF WAY SERVICES, OMAHA, NEBRASKA FOR THE RIGHT OF WAY SERVICES ASSOCIATED WITH A ROUNDABOUT AT EASTPORT PARKWAY IN AN AMOUNT NOT TO EXCEED \$8,575.00.

WHEREAS, the City Council of the City of La Vista has determined that said services are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget includes funding for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska that a professional services agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Midwest Right of Way Services, Omaha, Nebraska for the right of way services associated with a roundabout at Eastport Parkway in an amount not to exceed \$8,575.00.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2024.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

January 26, 2023

Pat Dowse  
City of La Vista, Nebraska  
Public Works  
8116 Park View Blvd.  
La Vista, NE 68128

RE: Proposal for Right of Way Services  
City of La Vista, Nebraska  
La Vista Sports Complex Roundabout  
Project Number: A18-0683

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 La Vista, Nebraska. We provide the following information for your consideration.

### ***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:*** John E. Borgmeyer, Vice President  
Maria Rodriguez – Project Manager

### ***PROJECT UNDERSTANDING***

This project involves the acquisition of right of way and temporary easements for 1 tract of land at the on Eastport Parkway near 123<sup>rd</sup> Plaza, Nebraska. The project's purpose is to construct a new roundabout and road 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, oversight, and scheduling of the acquisition of right of way and easements will be the responsibility of the project manager.

### ***TITLE RESEARCH***

A title search will be performed on one (1) property to be acquired to determine fee ownership and liens and encumbrances which affect the title. Nebraska Title Company will provide the title report for use in preparing the necessary right of way documents. The cost of the title reports will be passed through to the City without any markup by the consultant.

### ***APPRAISAL REPORT***

This task involves preparation of one (1) appraisal report which will provide a value for the property to be acquired. Trenton Rengo of McMill CPAS & Advisors of Norfolk, Nebraska will prepare the appraisal for this project. He is approved by the State of Nebraska Department of Transportation to provide appraisal reports for right of way projects.

### ***ACQUISITION***

Midwest Right of Way Services' acquisition agents will make every effort to understand the project's objective before meeting with the property owners. We will prepare all documents, present and explain the offer, answer all acquisition-related questions, and secure signatures from all interested parties. Our acquisition agents will obtain tenant information from property owners and proceed to obtain a signed leasehold contract, if applicable. We 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 the City of La Vista, Nebraska and be available for consultation or condemnation testimony.

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### ***ECONOMIC EQUITY AND INCLUSION PROGRAM***

Midwest Right of Way Services, Inc. is a participant in the City of Omaha Economic Equity and Inclusion Program.

### ***SMALL EMERGING BUSINESS TIER II***

Midwest Right of Way Services is certified by the City of Omaha as a Small Emerging Business Tier II.

### ***VETERAN-OWNED BUSINESS***

Midwest Right of Way Services is a veteran-owned business.

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## **TEAM MEMBERS**

*John Borgmeyer, Chief Operating Officer, RWA-GN, Project Manager, 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 project management and acquisition negotiations for roadway, airport, trail, utility, drainage, and sewer projects.*

*Stacey A. Kroeger, SR/WA, 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.*

*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.*

*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 2017. He has performed acquisition negotiations for projects in Nebraska and 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.*

*Chris Wayne, Right of Way Agent, has worked for Midwest Right of Way Services team starting in May of 2020. His experience includes over 30 years of urban planning and redevelopment experience working for the City of Omaha. Chris has extensive knowledge in the real estate, right of way acquisition, and relocation assistance service field.*

*Caleb Schescke, Right of Way Agent, is the newest member of the Midwest Right of Way Services team starting in February 2022. Caleb graduated from University of Nebraska at Kearney in 2020. Caleb received his real estate license in 2022. He has experience working on Utility, Roadway, and drainage projects in Nebraska.*

*Molly Frederickson, Administrative Assistant, has worked for Midwest Right of Way Services since January 2019. She provides administrative support and document preparation for Midwest Right of Way's acquisition and relocation agents. She has experience as a document specialist for a local law firm and has experience as an escrow assistant for a real estate title company.*

## ***PAYMENT FOR SERVICES***

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

	<u>Hourly Salary Rates</u>
Project Manager	\$150.00
Right of Way Agent/Relocation Agent	\$125.00
Document Prep & Administrative Fees	\$ 75.00
Mileage at Standard IRS Rate	\$ 0.655 per mile

The maximum fees for each task will be as follows:

<b>Task</b>	<b>Maximum Fee</b>		
Title Services	1 tract	\$ 250.00	\$ 250.00
Appraisal Report	1 tract	\$ 2,500.00	\$ 2,500.00
Project Management	1 tract	\$ 600.00	\$ 600.00
Acquisition Negotiations	1 tract	\$ 5,000	\$ 5,000.00
Document Prep & Admin Fees	1 tract	\$ 225.00	\$ 225.00
<b>Total Maximum Fee</b>			<b>\$8,575.00</b>

The maximum fee for the project, which includes project management, acquisition negotiations, and pass-through cost of title reports and appraisal reports, is **\$8,575.00**.

Appraisal pricing is based on limited information. If the scope of the appraisal needs to change, we will discuss any additional fee for the report before approving the changes to the fee.

Mileage will be billed in addition to the above fees, at the standard IRS rate for the year in which the mileage is incurred. 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.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.



John E. Borgmeyer  
Vice President

## **ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED**

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

Authorized Representative – City of La Vista