

Book 121

- 6581

Show as exception

WASHINGTON COUNTY - PAPIO NATURAL RESOURCES DISTRICT

AGREEMENT FOR OCCUPATION OF COUNTY ROADS

THIS AGREEMENT is between the PAPIO NATURAL RESOURCES DISTRICT (hereinafter "District") and the COUNTY OF WASHINGTON, Nebraska (hereinafter "County").

WHEREAS, the District is constructing a project, termed Improvement Project Area No. 1, to provide water supply to the City of Fort Calhoun, Nebraska and distribution of water to certain rural portions of Washington and Douglas Counties, and desires to install, operate and maintain its water transmission and distribution mains and related equipment within the right-of-way of certain County roads; and,

WHEREAS, Section 2-3230 R.R.S., 1943 provides as follows:

"Each district shall have the power and authority to construct and maintain works and establish and maintain facilities across or along any public street, alley, road, or highway and in, upon, or over any public lands which are now, or may hereafter become the property of the State of Nebraska, and to construct works and establish and maintain facilities across any stream of water or watercourse; Provided, that the district shall promptly restore any such street, highway, or other property to its former state of usefulness as nearly as may be possible, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. In the use of streets, the district shall be subject to the reasonable rules and regulations of the county, city, or village where such streets lie concerning excavation and the refilling of excavation, the relaying of pavements, and the protection of the public during periods of construction. The district shall not be required to pay any license or permit fees, or file any bonds, but may be required to pay reasonable inspection fees."

and,

WHEREAS, District and County desire to express the terms and regulations governing the use of such County road rights-of-way for such purposes.

NOW, THEREFORE, for and in consideration of the foregoing recitals and the mutual covenants of the parties hereinafter expressed, it is agreed as follows:

Recorded

[Handwritten signature]

121-658

STATE OF NEBRASKA, COUNTY OF WASHINGTON 2988
CERTIFIED BY COUNTY CLERK AND FILED FOR RECORD
THIS 13th DAY OF SEPTEMBER, A.D. 1957
AT FORT CALHOUN, NEBRASKA, AND APPROVED BY
COUNTY CLERK [Signature] 238-661
COUNTY CLERK [Signature]

1. The County road and highway rights-of-way affected by this Agreement and to be occupied by the District's mains and related equipment are as follows:

(A) County Road #45 (Section line road) located on or adjacent to the line between Sections 35 and 36, Twp. 17 N, R12E, and on or adjacent to the line between Sections 25 and 26, Twp. 17 N, R12E, Washington County.

(B) County Road #140 (Section line road) located on or adjacent to the line between Sections 26 and 35, Twp. 17 N, R12E, Washington County.

(C) County Road #P43, located in the West 1/2 of Sections 23 and 26, and in the West 1/2 and the Northeast 1/4 of Section 14, all in Twp. 17 N, R12E, Washington County.

2. The following rules and regulations of the County shall govern the District's occupation of the above-described County road rights-of-way, to-wit:

(A) All water lines wherever possible shall be installed adjacent to and not under the traveled portions of the road.

(B) Where it is necessary to lay pipe under a gravel road, such road shall be returned to a condition not less favorable than when installation began, including re-compacting the road and additions of gravel.

(C) When it is necessary to lay pipe under an oiled surface, such road shall be returned to a condition not less favorable than when installation began, pipe laid under such oiled surface shall be drilled and cased.

3. The County has no present plans for road improvement projects which would involve relocations of the District's mains and related equipment in the above-described right-of-way.

IN WITNESS WHEREOF, the parties set their hands.

Executed Jan. 9th, 1979 THE COUNTY OF WASHINGTON NEBRASKA

By *Emmett Robert*
Chairman, Board of Commissioners

ATTEST:
Charlote L. Peterson
County Clerk

Executed February 3, 1979 PAPIO NATURAL RESOURCES DISTRICT

By *William J. Starnick*
Chairman, Board of Directors

ATTEST:
William J. Starnick
Secretary

STATE OF NEBRASKA)
) SS.
COUNTY OF WASHINGTON)

On this 9th day of January, 1979, before me came the above named Emmett Robert, to me known to be the Chairman of the Board of Commissioners of Washington County, Nebraska and the identical person who executed the above and foregoing Agreement, and he acknowledged the same to be the voluntary act and deed of said County.



Sandra J. Zernyke
Notary Public

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STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 8th day of February, 1979, before me came the above named Milton Christensen to me known to be the Chairman of the Board of Directors of the Papio Natural Resources District and the identical person who executed the above and foregoing Agreement, and he acknowledged the same to be the voluntary act and deed of said District.

Martha L. Maiz
Notary Public

