

Agenda Item # 23a
Date 11/17/21

FW: Conservation Easement Application in Dodge County

From: Fred Mytty (clerk@dodgecountyne.gov)

To: dodgecountyclerk@yahoo.com

Date: Tuesday, November 9, 2021, 03:30 PM CST

From: Euse, Bryan - NRCS, Lincoln, NE [mailto:bryan.euse@usda.gov]
Sent: Tuesday, November 9, 2021 2:06 PM
To: Fred Mytty <clerk@dodgecountyne.gov>; zoning@dodgecone.us
Cc: Soncksen, Brad - NRCS, Lincoln, NE <brad.soncksen@usda.gov>; McVey, Shawn - NRCS, Lincoln, NE <shawn.mcvvey@usda.gov>; Adams Land Title Company <adamslt@adamslt.com>; John Denton <jdenton@ducks.org>
Subject: Conservation Easement Application in Dodge County

Good afternoon,

Recently you had received a letter from the Adams Land Title Company requesting a determination on an Agricultural Conservation Easement Program – Wetland Reserve Easement (ACEP-WRE) that is being worked on for Wetlands America Trust Inc. in Dodge County by the Natural Resources Conservation Service (NRCS).

Recently an e-mail was sent to Adams Land Title Company stating that the Board had tabled the issue at their Nov. 3rd meeting until more information pertaining to this easement is gathered. We have learned from the time the initial letter was sent to you that the Nebraska Department of Revenue, Property Assessment Division had created a Conservation Easement Application for these types of situations.

In response to your e-mail I have attached a completed Conservation Easement Application form for this proposed easement along with supporting documents requested on the application form. We hope this information will give you the information you need to make a determination on this easement.

If you have any further questions please e-mail them to me at bryan.euse@usda.gov and I will respond back as quickly as I can.


Thanks,


Bryan Euse
Easement Program Manager
Nebraska State Office


Office (402) 437-4048


Cell (402) 890-8230

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 Conservation_Easement_App Wetland America Trust Inc. (Dodge County) #2.pdf
66.2kB

 Legal Boundary Survey Map (revised)- 1QX2 - WAT (Haseman).pdf
1.1MB

 Land Use Map - 1QX2 - WAT (Haseman).pdf
128.5kB

 NRCS-LTP-30 - Perpetual WED.pdf
1.4MB

←
Can't open this document.

To be filed with the Appropriate Governing Body

Conservation Easement Application

| Name and Address of Owner of the Land | | | Name and Address of Owner or Holder of the Conservation Easement | | |
|--|-------------|------------------------------|--|-------------|------------------------------|
| Name Wetlands America Trust Inc. | | | Name USDA - Natural Resources Conservation Service | | |
| Street or Other Mailing Address 1 Waterfowl Way | | | Street or Other Mailing Address Federal Bldg. Room 152; 100 Centennial Mall North | | |
| City Memphis | State TN | Zip Code 38120-2350 | City Lincoln | State NE | Zip Code 68508-3866 |
| Email Address jdenton@ducks.org | | Phone Number 308-258-4682 | Email Address bryan.euse@usda.gov | | Phone Number 402-437-4048 |
| County Name Dodge | | | Parcel ID Number 270098098 | | |

Legal Description
See attached Legal Boundary Survey and Map

Description of the Land and Conservation Easement Restrictions
See attached Warranty Easement Deed for a Perpetual Easement

I request that the conservation easement described on this form be approved.

sign here ▶ BRYAN EUSE Digitally signed by BRYAN EUSE
Date: 2021.11.09 12:51:03 -06'00' NRCS - Easement Program Manager 11/09/2021
Signature of Owner of the Land or the Holder of the Conservation Easement Date

▶ _____ Date
Appropriate Governing Body Member, Commissioner, or Chairperson Signature

For the Appropriate Governing Body Use Only

Date Reviewed _____ COMMENTS: _____

Approved

Denied

▶ _____
Appropriate Governing Body member, Commissioner, or Chairperson Signature

Instructions

A conservation or preservation easement is an interest in real property, created by an instrument (document) in which the purpose of the easement is clearly stated. The instrument is to be filed, duly recorded, and indexed in the Register of Deeds office in the county where the real property and conservation or preservation easement is located.

Who May File. This form is to be filed with the conservation easement deed by the owner of the land or the owner or holder of the conservation easement.

When and Where to File. To minimize conflicts with land-use planning, this form and applicable deed should be filed with the appropriate governing body for approval prior to filing with the Register of Deeds.

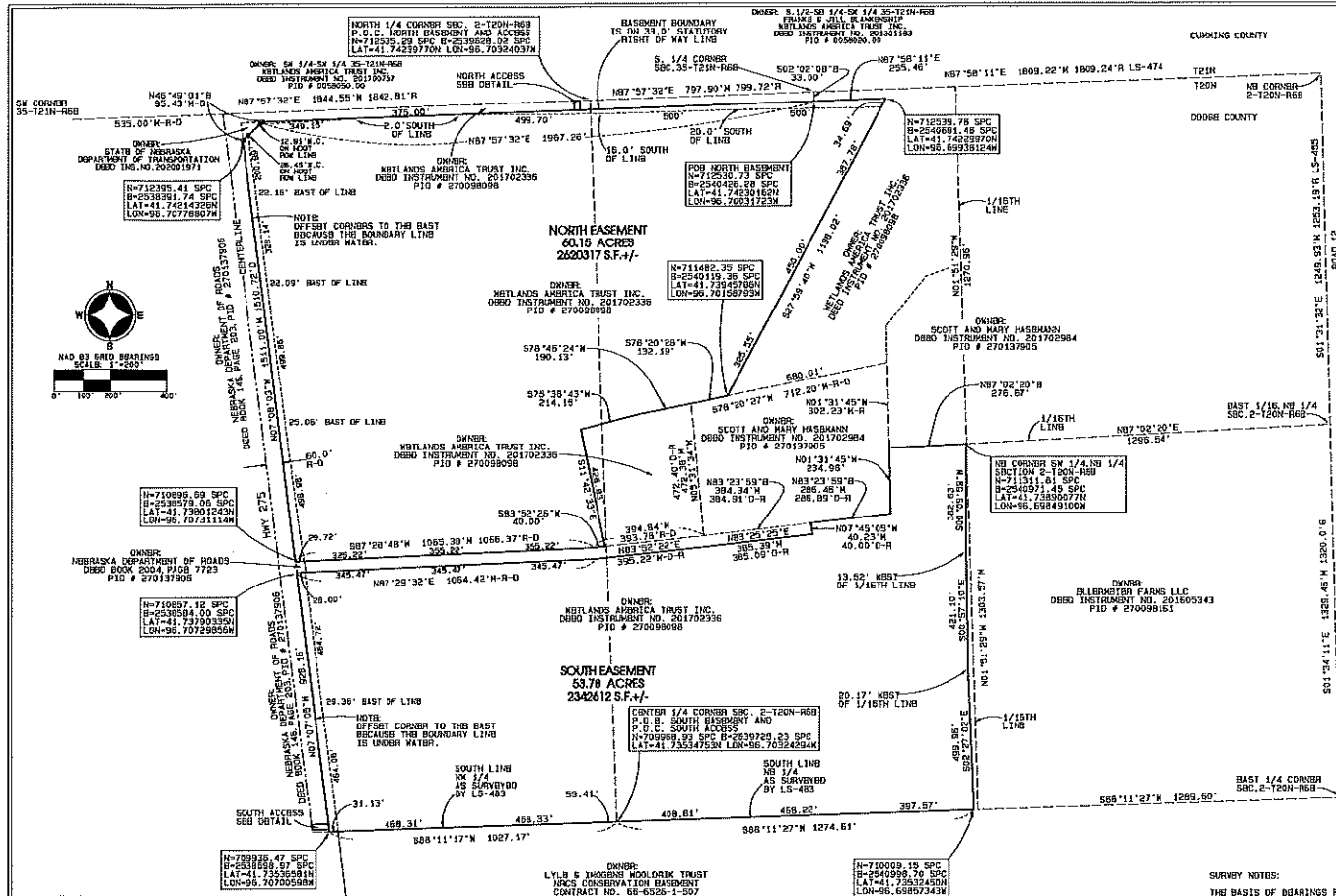
Appropriate Governing Body. The appropriate governing body must first refer the proposed acquisition to and receive comments from the local planning commission that has jurisdiction over the subject property. The local planning commission has 60 days to provide comments; if no comments are received the proposed acquisition will be deemed approved.

- The appropriate governing body depends on where the subject property is located as follows:
- The governing body of a city or village if the property is located partially or entirely within the boundaries or zoning jurisdiction of a city or village; or
 - The county board if the property is located entirely outside the boundaries or zoning jurisdiction of any city or village; or
 - Niobrara Council if the property is located in the Niobrara scenic river corridor and is not incorporated within the boundaries of a city or village.

Denial of proposed acquisition. Upon a finding of the appropriate governing body that the acquisition is not in the public interest when the easement is inconsistent with (a) a comprehensive plan for the area which had been officially adopted and in force at the time of the conveyance; (b) any national, state, or local program furthering conservation or preservation; or (c) any known proposal by a governmental body for use of the land.

Signature. This form must be signed by the owner of the land or the holder of the conservation easement.

The Governing Body must electronically submit this completed form and conservation easement deed to the Nebraska Department of Revenue, Property Assessment Division. Please electronically submit to: pat.tech@nebraska.gov.

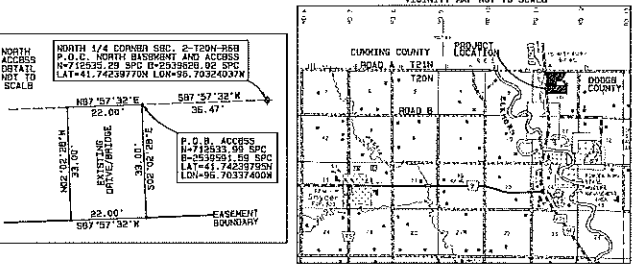


465261901QX NORTH BASIN DESCRIPTION:
 A TRACT OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 6 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 2, THENCE S87°57'32"W (ASSUMED BEARING) ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 A DISTANCE OF 769.20 FEET TO THE SOUTH 1/4 CORNER OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 6 EAST, THENCE S82°02'00"W A DISTANCE OF 33.20 FEET TO THE POINT OF BEGINNING AND ALSO NORTH ON THE SOUTH 1/4 OF SAID SECTION 2 A DISTANCE OF 100.17 FEET, THENCE S33°43'18"W A DISTANCE OF 214.15 FEET, THENCE S11°42'33"W A DISTANCE OF 426.83 FEET, THENCE S83°52'25"W A DISTANCE OF 40.00 FEET, THENCE S87°57'32"W A DISTANCE OF 106.44 FEET, THENCE N89°52'22"W A DISTANCE OF 392.25 FEET, THENCE N27°25'25"W A DISTANCE OF 302.36 FEET, THENCE N07°07'05"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 929.16 FEET, THENCE N17°25'25"W A DISTANCE OF 1064.42 FEET, THENCE N89°52'22"W A DISTANCE OF 392.25 FEET, THENCE N27°25'25"W A DISTANCE OF 302.36 FEET, THENCE N07°07'05"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 929.16 FEET TO THE NORTHWEST CORNER OF SAID SECTION 2, THENCE N87°02'00"W ON SAID NORTH LINE A DISTANCE OF 276.67 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 2, THENCE S89°11'17"W A DISTANCE OF 459.95 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4, THENCE S89°11'17"W ON SAID SOUTH LINE OF THE NORTHWEST 1/4 A DISTANCE OF 1274.61 FEET TO THE POINT OF BEGINNING, CONTAINING 60.15 ACRES MORE OR LESS.

465261901QX SOUTH BASIN DESCRIPTION:
 A TRACT OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 6 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT CENTER 1/4 CORNER OF SAID SECTION 2, THENCE S89°11'17"W ASSUMED BEARING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 A DISTANCE OF 1027.17 FEET TO THE SOUTH CORNER OF SECTION 25, THENCE N07°07'05"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 929.16 FEET, THENCE N17°25'25"W A DISTANCE OF 1064.42 FEET, THENCE N89°52'22"W A DISTANCE OF 392.25 FEET, THENCE N27°25'25"W A DISTANCE OF 302.36 FEET, THENCE N07°07'05"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 929.16 FEET TO THE NORTHWEST CORNER OF SAID SECTION 2, THENCE N87°02'00"W ON SAID NORTH LINE A DISTANCE OF 276.67 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 2, THENCE S89°11'17"W ON SAID SOUTH LINE OF THE NORTHWEST 1/4 A DISTANCE OF 1274.61 FEET TO THE POINT OF BEGINNING, CONTAINING 60.15 ACRES MORE OR LESS.

465261901QX NORTH ACCESS DESCRIPTION:
 A TRACT OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 6 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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465261901QX SOUTH ACCESS DESCRIPTION:
 A TRACT OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 6 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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CORNER TIES:

NORTH 1/4 CORNER SEC. 2-120N-R6E
 FOUND 5/8" REBAR 2" DEEP
 SW 64.64' FD. NAIL-BOTTLE CAP TOP BATH POST
 SEW 47.09' FD. NAIL-BOTTLE CAP TOP FEN. POST
 SW 46.51' SPT 5/8" X 24" REBAR WITH LS-763 CAP

NORTHWEST CORNER SEC. 2-120N-R6E
 FOUND 3/4" BOLT 0.9" DEEP
 NW 60.18' FD. 2" X 2" REBAR
 NW 33.31' FD. 1.25" PIPE

SW CORNER SEC. 25-121N-R6E
 FOUND 2" ALUM. CAP 0.9" DEEP
 SW 42.25' FD. 2" X 2" REBAR
 SW 48.08' FD. 3/8" ROD
 NW 33.31' FD. NAIL BOTTLE TOP BATH BND CAP
 NW 33.31' FD. 1.25" PIPE

SOUTH 1/4 CORNER SEC. 39-121N-R6E
 FOUND 2" ALUM. CAP 0.9" DEEP
 SW 42.25' FD. REBAR AND LS-612CAP
 NW 60.60' FD. NAIL-BOTTLE TOP OF FEN. POST
 SW 53.10' FD. NAIL X IN 18" TRBB

EAST 1/4 CORNER SEC. 2-120N-R6E
 FOUND 1.25" PIPE 1.1" DEEP
 NW 48.25' FD. 3/8" REBAR
 NW 29.25' FD. 3/8" REBAR
 SW 48.08' FD. 3/8" REBAR

EAST 1/4 CORNER SEC. 2-120N-R6E
 FOUND 3/4" BOLT 0.9" DEEP
 SEW 47.09' FD. BATH PLATE IN P.P.
 SEW 43.05' SW CORNER CONC. PAD
 SW 43.10' TOP CENTER N. BND RCP
 NW 63.10' TOP CENTER S. BND RCP

SW CORNER SW 1/4, NE 1/4, SEC. 2-120N-R6E
 SPT 5/8" X 24" REBAR WITH LS-763 CAP
 SW 0.10' TO BASE OF U-POST
 S. 5.70' TO BASE OF U-POST
 SW 40.50' TO BASE OF U-POST

CENTER 1/4 CORNER SEC. 2-120N-R6E
 FOUND 3/4" BOLT 0.9" DEEP
 NW 60.18' FD. 2" X 2" REBAR
 NW 33.31' FD. TOP CENTER N. BND RCP
 NW 33.31' FD. TOP CENTER S. BND RCP

CLOSURE REPORT NORTH BASINEMENT (GROUND DISTANCES AND COORDINATES)
 Coordinate values shown are computed based on the rounded bearing and distance, or closed bearing and closed lengths as indicated herein.
 Boundary Name: 465261901QX NORTH BASINEMENT

| Point Number | Description | Bearing | Distance | Sta | Northing | Easting | Elevation |
|--------------|--------------------|---------|------------|-----------|-------------|--------------|-----------|
| 0 | Point of Beginning | | | 0+00.00 | 712531.7307 | 2540426.5504 | |
| 1 | S87°58'11"W | | 295.46 ft | 0+00.00 | 712531.7307 | 2540426.5504 | |
| 2 | S27°59'40"W | | 1198.02 ft | 2+05.46 | 712540.7811 | 2540681.8500 | |
| 3 | S26°23'28"W | | 132.15 ft | 1+403.48 | 711482.9377 | 2540119.5183 | |
| 4 | S78°45'24"W | | 190.13 ft | 1+545.67 | 711456.2041 | 2539990.0536 | |
| 5 | S75°38'43"W | | 214.15 ft | 1+747.78 | 711419.2075 | 2539893.5616 | |
| 6 | S83°52'05"W | | 40.00 ft | 1+787.78 | 711366.5145 | 2539996.0977 | |
| 7 | S83°52'05"W | | 40.00 ft | 2+416.77 | 710948.1667 | 2539982.7293 | |
| 8 | S87°02'48"W | | 1050.38 ft | 2+416.77 | 710943.8800 | 2539842.9487 | |
| 9 | S87°08'03"W | | 1011.00 ft | 3+542.15 | 710997.0593 | 2538878.5880 | |
| 10 | S86°43'01"W | | 95.43 ft | 5+0+33.15 | 712390.3572 | 2538390.9431 | |
| 11 | S87°32'32"E | | 1897.26 ft | 5+1+28.58 | 712451.6629 | 2538465.8279 | |
| 12 | S88°11'17"W | | 1027.17 ft | 7+0+15.84 | 712531.7300 | 2540426.5397 | |
| 13 | Point of Beginning | | | 0+00.00 | 712531.7307 | 2540426.5504 | |

CLOSURE REPORT SOUTH BASINEMENT (GROUND DISTANCES AND COORDINATES)
 Coordinate values shown are computed based on the rounded bearing and distance, or closed bearing and closed lengths as indicated herein.
 Boundary Name: 465261901QX SOUTH BASINEMENT

| Point Number | Description | Bearing | Distance | Sta | Northing | Easting | Elevation |
|--------------|--------------------|---------|------------|-----------|-------------|--------------|-----------|
| 0 | Point of Beginning | | | 0+00.00 | 709960.9310 | 2539725.2280 | |
| 1 | S88°11'17"W | | 1027.17 ft | 1+0+27.17 | 709936.4028 | 2538896.0716 | |
| 2 | S87°07'05"W | | 929.16 ft | 0+00.00 | 709936.4028 | 2538896.0716 | |
| 3 | S87°09'32"W | | 1064.42 ft | 1+9+55.24 | 710857.4594 | 2538583.5594 | |
| 4 | S83°50'22"W | | 395.22 ft | 3+0+19.76 | 710904.0331 | 2538445.9600 | |
| 5 | S83°50'22"W | | 40.23 ft | 3+4+14.98 | 710848.2175 | 2540039.9222 | |
| 6 | S87°45'05"W | | 40.23 ft | 3+8+00.36 | 710950.3354 | 2540492.7764 | |
| 7 | S87°02'00"W | | 276.67 ft | 3+8+00.36 | 710950.3354 | 2540492.7764 | |
| 8 | S87°02'00"W | | 276.67 ft | 4+1+27.06 | 711053.1440 | 2540761.9118 | |
| 9 | S81°31'45"W | | 234.99 ft | 4+3+62.03 | 711298.0404 | 2540665.6411 | |
| 10 | S87°02'20"W | | 276.67 ft | 4+6+38.70 | 711312.3326 | 2540971.9417 | |
| 11 | S80°09'58"W | | 382.63 ft | 5+0+21.33 | 710929.7342 | 2540976.8305 | |
| 12 | S80°57'10"W | | 421.10 ft | 5+4+42.42 | 710929.6824 | 2540977.8328 | |
| 13 | S80°27'02"W | | 499.96 ft | 5+9+42.38 | 710909.1597 | 2540989.2097 | |
| 14 | S88°11'17"W | | 1274.61 ft | 7+2+16.99 | 709960.9310 | 2539725.2350 | |
| 15 | Point of Beginning | | | 0+00.00 | 709960.9310 | 2539725.2280 | |

LEGEND:
 REBAR WITH LS-763 CAP
 NAIL-BOTTLE TOP BATH POST
 BATH PLATE IN P.P.
 TOP CENTER N. BND RCP
 TOP CENTER S. BND RCP

SURVEY NOTES:
 THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 6 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 2, THENCE S87°57'32"W (ASSUMED BEARING) ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 A DISTANCE OF 36.47 FEET TO THE POINT OF BEGINNING, THENCE S89°11'17"W ON SAID SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2 A DISTANCE OF 1027.17 FEET TO THE SOUTH CORNER OF SECTION 25, THENCE N07°07'05"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 929.16 FEET, THENCE N17°25'25"W A DISTANCE OF 1064.42 FEET, THENCE N89°52'22"W A DISTANCE OF 392.25 FEET, THENCE N27°25'25"W A DISTANCE OF 302.36 FEET, THENCE N07°07'05"W ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 929.16 FEET TO THE NORTHWEST CORNER OF SAID SECTION 2, THENCE N87°02'00"W ON SAID NORTH LINE SAID NORTHWEST 1/4, THENCE N87°02'00"W ON THE NORTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING, CONTAINING 726 SQUARE FEET MORE OR LESS.

THE FOLLOWING GPS EQUIPMENT USED TO PERFORM THIS SURVEY:
 TRIMBLE R7-B BASE - 5/11 4800000000
 TRIMBLE R7-B POWER - 5/11 481114983

ALL DISTANCES AND COORDINATES ARE SCALD UP TO GROUND DISTANCE FROM GRID DISTANCE FROM THIS POINT.

THE CONVERGENCE ANGLE FROM GRID NORTH TO TRUE NORTH IS NEGATIVE OR POSITIVE 11 MINUTES 06 SECONDS, 0810 USGS CONUS 12A

THE FOLLOWING GPS EQUIPMENT USED TO PERFORM THIS SURVEY:
 TRIMBLE R7-B BASE - 5/11 4800000000
 TRIMBLE R7-B POWER - 5/11 481114983

U-POSTS WITH SIGNS HAVE BEEN PLACED ON FOUND AT ALL BASINEMENT PROPERTY CORNERS.

SURVEYOR'S CERTIFICATE:
 I HEREBY CERTIFY THAT THIS PLAN OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE UNDER THE LAWS OF THE STATE OF NEBRASKA.
 FIELD WORK COMPLETED ON NOVEMBER 4TH 2020.
 SIGNED ON NOVEMBER 4TH 2020.
 Joshua C. Grummert
 NEBRASKA C. SURVEYOR | LS-763

RAINWATER BASIN BOUNDARY SURVEY
 NRCS ID: 465261901QXZ
 PT. OF THE NORTH 1/2 OF SECTION 2-120N-R6E, DODGE COUNTY, NEBRASKA.

GRUMMERT PROFESSIONAL SERVICES, LLC
 2837 W. HWY 6, STE # 206, HASTINGS, NE 68901
 jgrummert@yahoo.com, www.grummertsurveying.com
 402-879-5701 GPS PROJECT NO. 099-2019

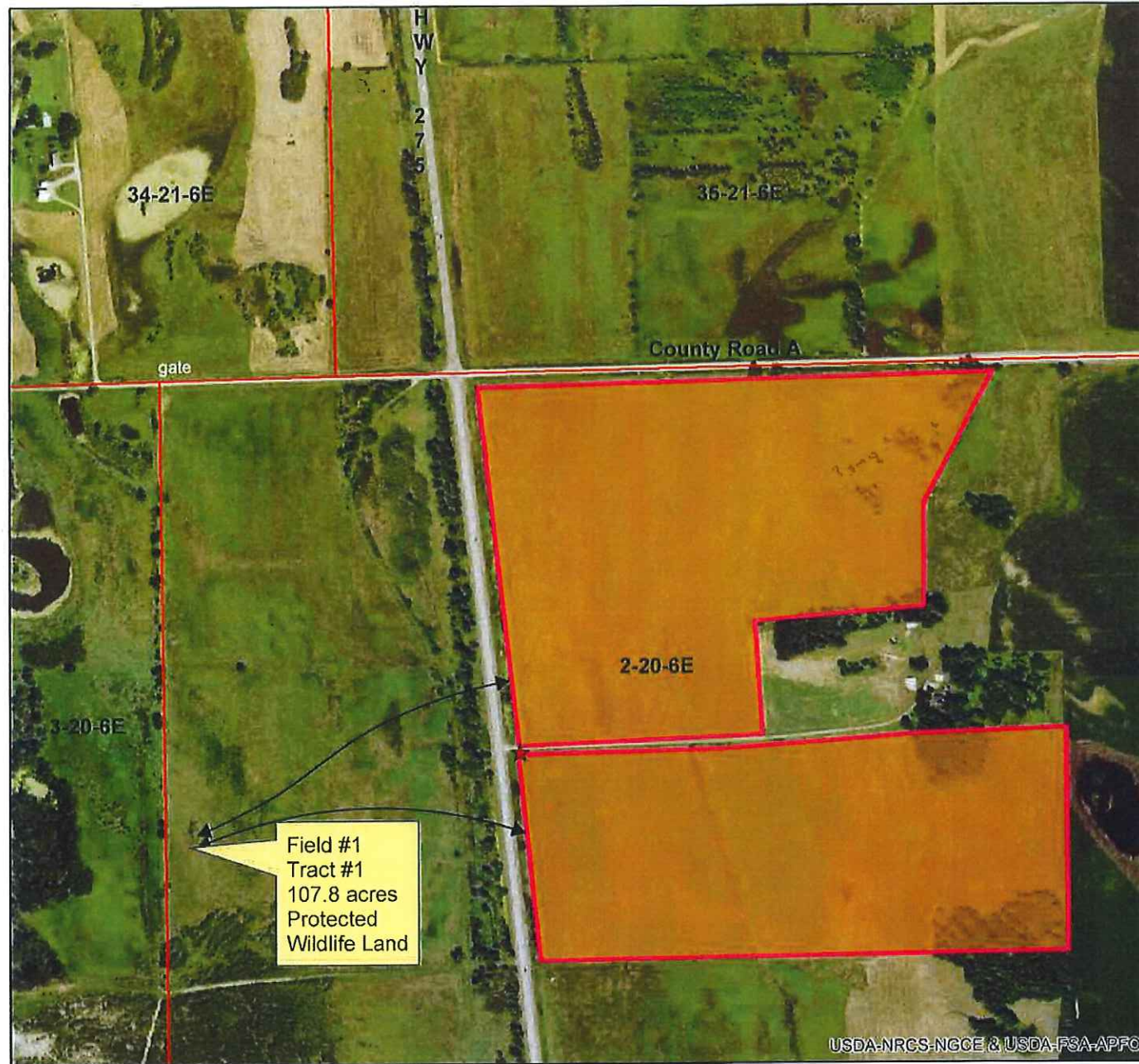
ACEP/WRE Application #546526190QXZ
Land Classification Category map

Date: 04/09/2019

Customer(s): WETLANDS AMERICA TRUST, INC.
c/o DU Rep. Tim Horst 402-364-3135
email: thorst@ducks.org

District: LOWER ELKHORN NATURAL RESOURCES DISTRICT
Approximate Acres: 107.8
Legal Description: Pt. Sections 2-20-6E (Dodge County)

Field Office: FREMONT SERVICE CENTER
Agency: NRCS
Assisted By: DAVID BICHLMEIER



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

- ★ Access Points
- WRE Application #546526190QXZ, 107.8 acres
- Land Use Category (107.8 acres) Grass Hay/Other
- Section Lines

