

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JUNE 14, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners present: Deb Schorr, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Jane Raybould  
Brent Smoyer

Others present: Kerry Eagan, Chief Administrative Officer  
Brittany Behrens, Deputy County Attorney  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 7, 2011.**

**MOTION:** Hudkins moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, June 14, 2011.**

**MOTION:** Heier moved and Hudkins seconded approval of the claims. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **SPECIAL PRESENTATION:**

A. **Commissioners Award of Excellence for May 2011, to Todd Teut, County Engineering.**

The Clerk read the nomination for the record. Todd Teut received a plaque from Heier.

4) **PUBLIC HEARING:**

A. **Sale of a portion of W. Waggoner Drive as platted in Waggoner Subdivision in the Northwest Quarter of Section 27, Township 10 North, Range 5 East of the Principal Meridian, Lancaster County, Nebraska.**

The Chair opened the public hearing.

4) **PUBLIC HEARING CONTINUED:**

Brittany Behrens, Deputy County Attorney, was administered the oath. She said the Board previously vacated the property and approved it for sale. Fair market value of \$8,000 was established (Exhibit A) and a sale date was set for May 19, 2011. Since then, it was discovered the sale did not occur; due to statutory limits on time and notice requirements, the process must be repeated.

Hudkins asked if previous testimony could be used and who would make sure the sale occurred this time. Behrens said previous testimony would still be valid since the circumstances have not changed. She would coordinate with the County Clerk's Office and the County Sheriff's Office to make sure the sale occurs on the date stated. A corresponding resolution has been prepared to declare the property surplus, establish the fair market value at \$8,000 and set the new sale date for June 30, 2011.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **A resolution regarding the proposed sale of County property generally located at SW 98<sup>th</sup> Street and Waggoner Drive, Lancaster County, Nebraska, which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for June 30, 2011. (R-11-0038)**

**MOTION:** Hudkins moved and Raybould seconded approval of the resolution. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- B. **A special events permit application for the Waverly Area Community Run in Waverly on Saturday, July 2, 2011.**

**MOTION:** Smoyer moved and Hudkins seconded approval of the special events permit application. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- C. **A special designated license application from WunderRosa, LLC, to provide liquor beverage service at an event at 2361 Wittstruck Road, Roca, on Friday, July 1, 2011.**

Schorr noted the recommendation letter from the County Engineer's Office outlining no parking along S. 25<sup>th</sup> Street.

**MOTION:** Heier moved and Smoyer seconded approval of the special designated license application incorporating the recommendation letter of the County Engineer's Office. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- D. **A special designated license application from Chace Enterprises, Inc., to provide liquor beverage service at an event at 1400 Saltillo Road, Roca, on Saturday, June 25, 2011.**

Teresa Ernisse explained the beer garden would be set up for a car show, which was also held last year without any problems. Schorr confirmed that Ernisse had the recommendations from the County Engineer and the County Sheriff. Raybould confirmed with Ernisse that wristbands would be used to identify those of legal drinking age.

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Smoyer seconded approval of the special designated license application. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- E. **A resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various General Fund agencies. The amount to be transferred is \$416,710. (R-11-0039)**

Dennis Meyer, Budget & Fiscal Director, said this annual resolution is done to "clean up" the current budget year. A contingency is set aside, budgets are reviewed throughout the year, and the resolution gives budget authority within each of the individual departments within the general fund. He said an amended resolution will reduce the amount transferred to \$346,710. This is a \$70,000 decrease resulting from a drop in the Sheriff's budget request.

Hudkins asked if a major increase in the budget includes appointed attorneys for the courts. Meyer said District Court has the largest expense (\$86,469) due to attorneys. He noted that General Assistance has a \$75,000 transfer this year; historically this has not been necessary.

**MOTION:** Hudkins moved and Raybould seconded approval of the resolution with the amended amount of \$346,710. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- F. **A resolution authorizing the installation of traffic signs at the following locations in Lancaster County: No Parking signs (R8-3) for eastbound and westbound traffic on each side of County Structure X-197, located on Firth Road approximately ¼ mile west of S. 96<sup>th</sup> Street. (R-11-0040)**

Schorr said the signs would help keep people from parking on this bridge.

**MOTION:** Heier moved and Smoyer seconded approval of the resolution. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- G. **A contract with Capital Appraisal, LLC, in the amount of \$11,400, for appraisal services on a road project at S. 82<sup>nd</sup> Street from Roca Road to Saltillo Road; Project No. C55-S-404(4). (C-11-0317)**

**MOTION:** Hudkins moved and Raybould seconded approval of the contract. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- H. **An agreement with the State of Nebraska, Department of Roads for public transportation assistance for operation of the Lancaster County Rural Transit Program; Project No. RPT-C551(211). The department is providing federal funds of \$43,174 and state funds of \$21,587 while the County is providing matching funds of \$21,588. Term of the agreement is July 1, 2011, to June 30, 2012. (C-11-0318)**

Hudkins said this helps allow elderly people to stay in their homes longer by providing transportation for appointments and errands.

**MOTION:** Hudkins moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- I. **A contract with Midwest Pump and Equipment for fuel tank removal and replacement. The County shall pay for products and services according to the contractor's proposal for a total of \$9,964.95. The work shall be completed within seven to ten days after the tank arrives. (C-11-0319)**

John Austin questioned the number of bidders involved. Hudkins agreed that he would like more information on the contract. Ken Schroeder, County Engineer's Office, said it was not a fuel tank for their office; he thought it was for the Community Mental Health Center. The Board agreed to hold the item until later in the meeting while more information was obtained.

- J. **A third amendment to the Disproportionate Share Hospital (DSH) intergovernmental transfer agreement, County Contract No. C-08-0151, with the Nebraska Department of Health and Human Services. The amendment extends the ending date of the contract to June 30, 2012. (C-11-0320)**

**MOTION:** Raybould moved and Hudkins seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- K. **An amendment to County Contract No. C-10-0025 with the State of Nebraska Department of Health and Human Services (DHHS), Division of Behavioral Health, to provide youth problem gambling prevention services for the Gamblers Assistance Program. The amendment extends the end date of the contract to September 30, 2011. (C-11-0321)**

**MOTION:** Raybould moved and Smoyer seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- L. **An agreement with Kerri A. Kirby, on behalf of the Lancaster County Department of Community Corrections, to provide substance abuse treatment to participants in Pretrial Release and Adult Drug Court. The County shall pay \$25 per hour, not to exceed 25 hours per week, for the services provided. Term of the agreement is June 20, 2011, to June 30, 2012. (C-11-0322)**

Kim Etherton, Community Corrections Director, said this is the final provider being contracted for this program. She said Kirby would start on June 20. Heier questioned the wage. Etherton stated \$25 per hour is a reasonable rate for a dually licensed clinician.

**MOTION:** Heier moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- M. **An agreement with Financial Marketing Concepts, Inc., to participate in the Coast2Coast prescription drug discount card program. The County will not be charged for said services. Term of the agreement is one year from the date of execution by both parties. (C-11-0323)**

**MOTION:** Heier moved and Hudkins seconded approval of the agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- N. **A contract with Kapish North America, LLC, for consulting to facilitate the deployment of the TRIM records management product suite. The County will pay up to \$15,700 for the services provided. Term of the agreement is one year from the date of execution. (C-11-0324)**

**MOTION:** Raybould moved and Hudkins seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- O. **An amendment to an interlocal agreement with the City of Lincoln for the Lincoln Emergency Communications Center, commonly known as Lincoln 911. The amendment places the Public Safety Director in charge of coordinating and overseeing the center operations and staff until June 1, 2013. (C-11-0325)**

Brittany Behrens explained that Section 1b was added; Section 1a and Section 1c were not amended.

**MOTION:** Raybould moved and Heier seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

**Returning to Item 5I:**

Bob Walla, Assistant Purchasing Agent, said the contract is for removal and replacement of a tank that fuels the emergency generator at the Community Mental Health Center. Hudkins requested the location be listed on the contract in the future. He questioned if the item was bid. Walla confirmed it was bid and received three responses. He noted the bid information was provided when the original bid was approved. Behrens confirmed the information is originally provided when the bid is done, noting the process of approving the bid and the contract allows the Board to see the information twice. Raybould agreed it would be helpful to have more information, such as the location, on the contract itself.

**MOTION:** Heier moved and Raybould seconded approval of the contract. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- 6) **CONSENT ITEMS:** *These are routine business items that are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

- A. **Receive and place on file the County Sheriff's monthly report for May 2011.**
- B. **Setting of a public hearing for Tuesday, June 21, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building regarding the increase of appropriations for the Community Mental Health Fund, in the amount of \$32,500, for unanticipated increases in liability insurance.**
- C. **Setting of a public hearing for Tuesday, June 28, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building regarding the nomination of Elaine Hammer and Bob Workman to the Board of Trustees of Hospital Authority No. 1 of Lancaster County, Nebraska, terms to expire July 30, 2017.**

6) **CONSENT ITEMS CONTINUED:**

**MOTION:** Hudkins moved and Smoyer seconded approval of the consent items. Smoyer, Hudkins, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.

7) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

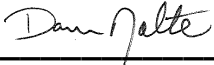
Jane Svoboda and John Austin appeared.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 16, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, June 21, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.
- C. A public hearing will be held on Tuesday, June 28, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building regarding the establishment of an access road for Dorothy K. Maher, located in the Southeast Quarter of Section 8, Township 12, Range 8, East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday at 1:30 and 6:30 p.m. and on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at [www.lancaster.ne.gov](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.
- E. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).

9) **ADJOURNMENT**

**MOTION:** Heier moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:10 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

  
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**Dan Nolte**  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, JUNE 14, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

Commissioners present: Deb Schorr, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Jane Raybould  
Brent Smoyer

Others present: Norm Agena, County Assessor/Register of Deeds  
Scott Gaines, Deputy County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Brittany Behrens, Deputy County Attorney  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:10 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 7, 2011.**

**MOTION:** Smoyer moved and Heier seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of seven additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

**MOTION:** Heier moved and Raybould seconded approval of the additions and deductions. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Child Guidance Center**  
**College View Academy**  
**First Free Methodist Church**  
**Lighthouse**  
**Saint Paul United Methodist Church**  
**School Sisters of Christ the King**  
**Second Baptist Church**  
**Wyuka Funeral Home and Cemetery**

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

**MOTION:** Raybould moved and Hudkins seconded approval of the motor vehicle tax exemption applications. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

**City of Lincoln**

Scott Gaines, Deputy County Assessor/Register of Deeds, said the City vacated a street in 2004. Since then, a building permit has been issued and a duplex was built at this location. The City is holding the deed for a private owner until conditions are met and the plat is filed. Items 4 and 5 will notify the City of the valuation change starting in 2006 and that the parcel will be taxable. Raybould confirmed with Gaines that taxes would be owed from past years.

**MOTION:** Hudkins moved and Smoyer seconded approval to send the notice. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

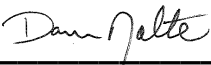
5) **NOTICE OF TAXABLE STATUS:**

**City of Lincoln**

**MOTION:** Hudkins moved and Smoyer seconded approval to send the notice. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

6) **ADJOURNMENT**

**MOTION:** Heier moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:14 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

  
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**Dan Nolte**  
**Lancaster County Clerk**





**Real Estate Appraisal Report**

**Surplus Land  
SW 98<sup>th</sup> & Waggoner Dr.  
Lancaster County, NE**

**November 29, 2010**

LANCASTER  
COUNTY  
ENGINEERING

Don R. Thomas  
County Engineer

Kenneth D. Schroeder - Deputy

County Surveyor

November 30, 2010

Lancaster County Board of Commissioners  
555 South 10<sup>th</sup> Street  
Lincoln, NE. 68508

DEPARTMENT

Re: Appraisal Report  
Vacant Right-of-Way Strip  
SW 98<sup>th</sup> and Waggoner Dr  
Lancaster County, NE.

The Honorable Board of Commissioners:

In response to your request, I have conducted the required investigation, gathered the necessary data, and made certain analysis that has enabled me to form an opinion of the market value of the Fee Simple estate to the above referenced property.

The following appraisal report is a Restricted Appraisal Report of a vacant strip of land that is to be used by the referenced client as a basis for disposition of the site.

Based on the inspection of the property and investigation and analyses undertaken, I have formed the "As Is" market value opinion for the subject site, as of November 29, 2010, to be:

**EIGHT THOUSAND (\$ 8,000.00) DOLLARS**

It is the intent of this report to fully comply with the requirements of the Uniform Standards of Professional Appraisal Practice "USPAP", The Real Estate Appraisal Board. The appraisal assignment was not based on a requested minimum valuation, specific valuations, or the approval of a loan.

Neither my engagement to make this appraisal (or any future appraisal to this client), nor any compensation therein, are contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

Respectfully submitted,

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James J. Shotkoski  
General Certified Appraiser  
CG-920233

## SUMMARY OF FACTS AND CONCLUSIONS

Type of Property:	Vacant Right-of-Way Strip
Location:	SW 98 <sup>th</sup> & Waggoner Dr Lancaster County, NE.
Legal Description:	The legal is described as the North Thirty Feet (N 30') of West Waggoner Dr, abutting Lots 31 and 44, IT, in the Northwest Quarter (NW ¼) of Section Twenty Seven (27), Township Ten North (10N), Range Five East (5E) of the 6 <sup>th</sup> Principal Meridian, Lancaster County, Nebraska, and the South Thirty Feet (S 30') of West Waggoner Drive abutting Lots One (1), Two (2) and Three (3), Block One (1), Waggoner Subdivision, located in the Northwest Quarter (NW ¼) of Section Twenty Seven (27), Township Ten North (10N), Range Five East (5E) of the 6 <sup>th</sup> Principal Meridian, Lancaster County, Nebraska
Property Rights:	Fee Simple Estate
Appraisal Format:	Restricted Use Report
Owner of Record:	Lancaster County 555 South 10 <sup>th</sup> Street Lincoln, NE. 68508
Sponsor:	Lancaster County Board of Commissioners 555 South 10 <sup>th</sup> Street Lincoln, NE. 68508
Neighborhood:	The subject neighborhood is delineated by West "O" Street on the North; SW 98 <sup>th</sup> Street on the West; SW 84 <sup>th</sup> Street on the East; and "A" Street on the South. The delineated boundaries were chosen to represent neighborhood boundaries for changes in land utilization. The neighborhood is predominately agricultural in nature with mixed-use residential and commercial/light industrial warehouse usage along perimeter streets and agricultural use dominating infill development.
Site Description:	The subject site is a sixty-foot (60') strip that runs east and west for approximately 1,275 lineal feet and contains 1.76 Acres, more or less. The site is currently vacant and the County has no plans for development of this site.
Improvements;	Three of the four abutting parcels are improved with single family homes located on acreages. The abutting parcels are primarily used for agricultural usage.
Zoning:	The abutting sites are zoned AG, Agriculture Development
Taxes and Assessments:	The parcel is tax exempt

## SUMMARY OF FACTS AND CONCLUSIONS (Continued)

Improvements:	None
Highest and Best Use:	The site is considered to be an uneconomic remnant as it considered undevelopable in its existing condition, due to size and frontage considerations. As such, I am of the opinion, one of the site's highest and best uses, as vacant, is for assemblage purposes for an adjacent landowner to utilize.
History of Property:	The fee simple title to the subject site has not been transferred within the last five years.
Marketing Time Estimate:	The sales used in this report indicate a relatively short marketing time in the area of twelve months assuming the property is actively marketed and competitively priced.
Indications of Value:	
“As Is” Land Value	\$ 8,000.00
Final Value Conclusion:	\$ 8,000.00
Date of Appraisal:	The effective date of the appraisal is as of November 29, 2010, and corresponds with my last inspection of the site.

## ASSUMPTIONS AND LIMITING CONDITIONS

The Standards of Professional Practice of the Appraisal Institute requires the appraisers to disclose clearly and accurately any extraordinary assumption or limiting conditions that directly affects an opinion or conclusion. In order to help the reader in interpreting this report, the appraiser's assumptions and limiting conditions are set forth as follows:

1. The date of value to which the conclusions or opinions expressed in this report apply is set forth in the letter of transmittal. The dollar amount of any value opinion rendered is based on the purchasing power of the American dollar existing on that date.
2. Photographs contained in the individual appraisal reports were taken by the appraiser on the date the property was inspected. Any photo taken on a different date or by another person is appropriately labeled.
3. The appraiser assumes no responsibility for economic or physical factors which may affect the opinions in the report which occur after the date of the letter transmitting the report.
4. Forecasts of anticipated revenues and expenses were based on the appraiser's analysis of market trends, economic conditions and the operating history of the property. Such forecasts are dependent on assumptions about future economic, social and political conditions, and market related activity. They represent the appraiser's opinion of current investor attributes and motivations applicable to the class of property appraised, and no warranty or representation that these forecasts will materialize is implied. Any leasehold valuation made on the date is assumed to be correct. Should either the property owner or the tenant provide data which is in conflict, the appraiser will re-evaluate the various claims and the estimate of property division. The value of fractional interests, if reported, may or may not equal the value of the whole (in fee simple).
5. Information furnished by others is believed to be reliable; however, no warranty for its accuracy is implied.
6. Data relating to ownership and legal description were obtained from the client, property owner or from public records and is assumed to be correct. No opinion is rendered on the title. Title is assumed to be marketable and free and clear of all liens, encumbrances, easements and restrictions except those specifically discussed in the report. The property is appraised assuming responsible ownership, competent management, and available for its highest/best use.
7. The appraiser reserves the right to make such adjustments to the analysis, opinions and conclusions set forth in this report as may be required by consideration of additional data or more reliable data that may become available.
8. The appraiser assumes no responsibility for hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for arranging for engineering studies that may be required to discover them.
9. No engineering survey has been made by the appraiser. Except as specifically stated, data pertaining to size and area were taken from sources considered reliable, and no encroachment of real property improvements is considered to exist.

## **ASSUMPTIONS AND LIMITING CONDITIONS (Continued)**

10. No soil tests or environmental studies were available unless specifically stated in this report. It is assumed that there are no sub-surface, toxic waste or building material hazards in the property that would adversely affect its existing or potential use, unless otherwise stated in this report.
11. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of the appraiser nor did the appraiser become aware of such during the appraiser's inspection. The appraisers have no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraisers, however, are not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.
12. Unless otherwise stated, the existence of any violations or non-conformity with the minimum standards set forth in the American with Disabilities Act (ADA) were not called to our attention. The detection non-compliance does not fall within the expertise of the appraiser. It is our recommendation that a survey of the improvements be separately conducted by qualified experts.
13. No opinion is expressed on the value of subsurface oil, gas or mineral rights or whether the property is subject to surface entry for the exploration or removal of such materials except as expressly stated.
14. Unless otherwise stated, the property is appraised assuming the property is in compliance with all applicable zoning and use regulations and restrictions.
15. The property is appraised assuming all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been, or can be, obtained or renewed for any use on which the value estimate contained in this report is based, unless otherwise stated.
16. Maps, plats and exhibits included in this report are for illustration purposes only to be used as an aid to help the reader to visualize matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose, nor should they be removed from, reproduced, or used apart from this report.
17. No opinion is intended to be expressed for matters which require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers.
18. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
19. The possession of this report, or a copy of it, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of appraiser, and in any event only with proper written qualification and only in its entirety.

**ASSUMPTIONS AND LIMITING CONDITIONS (Continued)**

20. Testimony or attendance in court or at any other hearing is not required by reason of rendering this report, unless such arrangements are made a reasonable time in advance pertaining to such additional employment.

## **IDENTIFICATION OF THE PROPERTY**

The subject site is located approximately one-quarter mile (1/4 mi) south of West "O" Street adjacent to SW 98<sup>th</sup> Street, and is legally described the North Thirty Feet (N 30') of West Waggoner Dr, abutting Lots 31 and 44, IT, in the Northwest Quarter (NW ¼) of Section Twenty Seven (27), Township Ten North (10N), Range Five East (5E) of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska, and the South Thirty Feet (S 30') of West Waggoner Drive abutting Lots One (1) and Two (2) and Three (3), Block One (1), Waggoner Subdivision, located in the Northwest Quarter (NW ¼) of Section Twenty Seven (27), Township Ten North (10N), Range Five East (5E) of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska

## **PURPOSE OF THE APPRAISAL**

The purpose or objective of this appraisal is to provide a supported opinion of the market value of the fee simple interest in the property described in this report. The appraisal and the final estimate of value are made subject to the limiting conditions outlined in this report.

## **MARKET VALUE DEFINED**

Market value is defined as the most probable selling price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- buyer and seller are typically motivated;
- both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest;
- a reasonable time is allowed for exposure in the open market;
- payment is made in cash in US dollars or in terms of financial arrangements comparable thereto;
- the price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

It should be noted the market value described herein, is the value to a single purchaser, as of the date of the appraisal, with all appropriate deductions and discounts considered.

## **PROPERTY RIGHTS APPRAISED**

The real estate interests appraised are the fee estate.

## **DEFINITION OF FEE SIMPLE ESTATE**

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by governmental powers of taxation, eminent domain, police power and escheat.

Source: The Dictionary of Real Estate Appraisal, Third Edition, Appraisal Institute, 1993.



**APPRAISAL FORMAT**

A restricted appraisal report is intended for the exclusive use of the client, and does not include other parties or users other than the client. The opinions and conclusions set forth in this report may not be understood properly without information contained in the appraiser's work file.

**OWNER OF RECORD**

Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE. 68508

**SPONSOR**

Lancaster County Board of Commissioners  
555 South 10<sup>th</sup> Street  
Lincoln, NE. 68508

**DATE OF THE APPRAISAL**

The effective date of the appraisal is as of November 29, 2010, and corresponds with my last inspection of the site.

**FUNCTION OR USE OF THE APPRAISAL**

The function is to provide a market value estimate of a strip of vacant right-of-way to be used as a basis for liquidation of excess or surplus land by the Sponsor.

**HISTORY OF PROPERTY**

The fee simple estate to the subject site has not been transferred within the last five years.

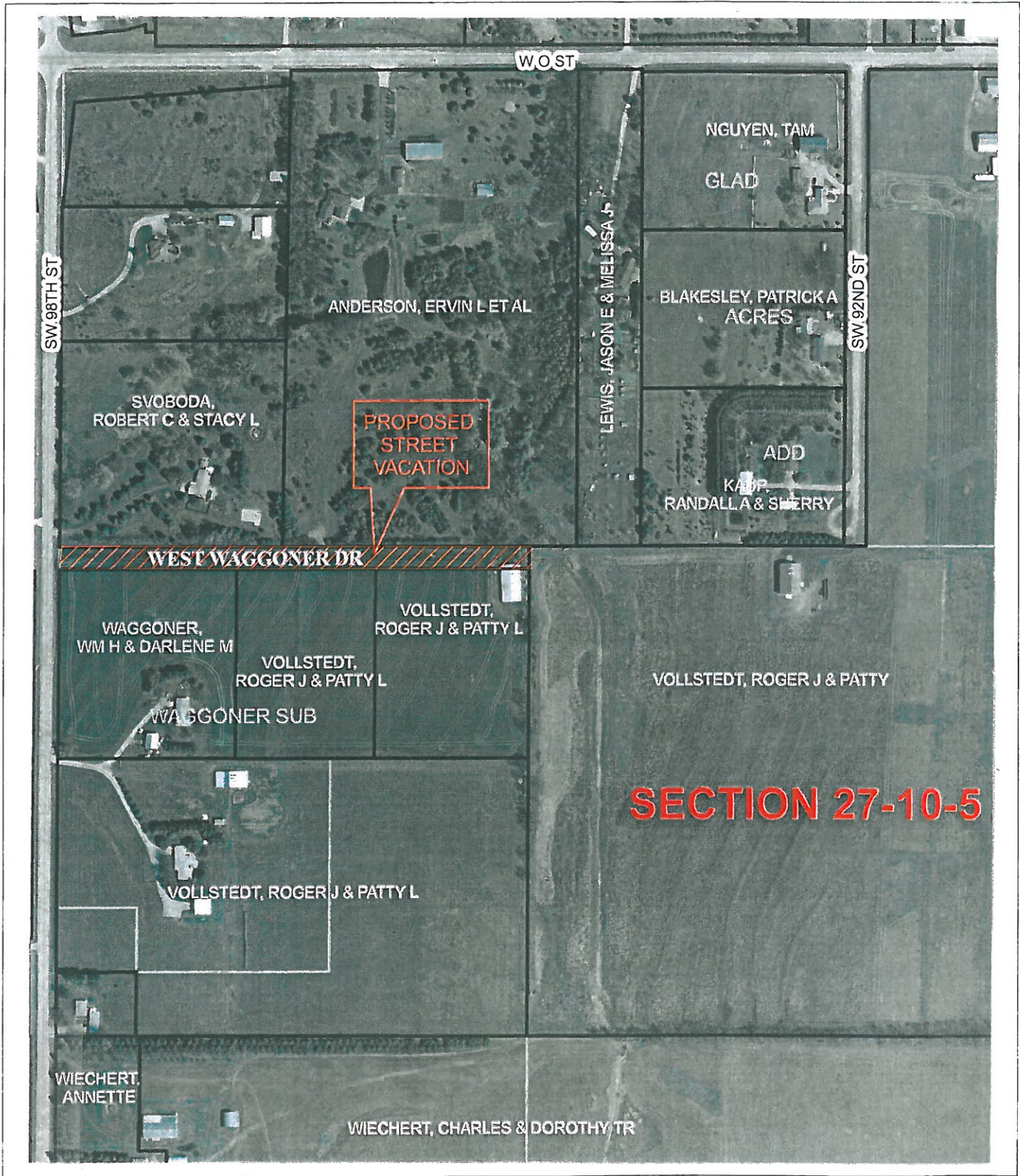
**COMPETENCY PROVISION**

I certify that I have sufficient education, training, and experience to be able to arrive at a supported indication of value for the above described property in a timely manner. For further clarification of my competencies, skills, and abilities, I urge the reader to review the Qualifications of the Appraiser, located in the Addenda of this report.

**SCOPE OF THE APPRAISAL**

The purpose of this appraisal is to provide a supported market value opinion of the fee simple interest in the property described in this report. Market value is estimated under the assumption of an all cash sale with no contingencies, to one buyer, in an "as is" condition. The appraisal is made subject to the assumptions and limiting conditions outlined previously.

PLAT MAP











NO  
TRESPASSING

## HIGHEST AND BEST USE

All real estate value estimates must be supported by a conclusion as to the highest and best use of a land tract. Highest and best use is considered in the economic sense and it is generally defined as the most profitable likely use within the realm of reasonable probability to which a land tract can be put or adapted and for which there is a current market. The criteria for determining the highest and best use of a given property call for an evaluation of how the property adapts to a number of requirements, i.e.

1. The use must be legally permissible or reasonably possible.
2. The use must be physically possible on the site.
3. The use must be economically and financially feasible under the projected market conditions.
4. The use must be the most profitable among the alternatives that are legally permissible, physically possible and economically feasible.

The highest and best use analysis involves two separate studies:

1. The site as if vacant and ready to be put to its highest and best use; and if the property is improved;
2. A study of the highest and best use of the property as improved.

### Highest and Best Use as if Vacant

The subject site is a sixty-foot (60') strip that runs east and west for approximately 1,275 lineal feet and contains 1.76 Acres, more or less. The site is currently vacant and the County has no plans for development of this site.

The subject parcel is located in an almost exclusively agricultural area and surrounding land usages are predominately agricultural in nature, with a small percentage of the agricultural parcels being developed with acreage home sites.

The most likely highest and best use available for the subject parcel, as vacant, would be as an assemblage with an abutting landowner for a primarily agricultural development or usage.



## VALUATION SECTION

The subject site is zoned AG, Agriculture; however, its size and configuration is such that the site independent of an abutting parcel is considered to be an uneconomic remnant. The subject site fails to meet the applicable size and frontage requirements and as such is considered to be unbuildable. The highest and best use has been estimated to be an assemblage with an abutting landowner.

Given this, the lots on both sides on the subject site are zoned for single family development. These lots are summarized as follows:

Address	Sale Date	Consideration	Tract Size (Ac)	Extracted Impv. Value	\$ Per Acre	Zoning
SW 98 <sup>th</sup> & A St	01/2009	\$ 336,000	76.68	N/A	\$ 4,382	AG
NW 98 <sup>th</sup> & O St	08/2009	\$ 40,000	5.46	N/A	\$ 7,326	AG
SW 98 <sup>th</sup> & Van Dorn	12/2009	\$ 165,000	32.02	N/A	\$ 5,153	AG
SW 98 <sup>th</sup> & Holdrege St	07/2010	\$ 54,000	16.21	N/A	\$ 3,331	AG
Subject			1.82			

In the process of estimating a market value for the subject site, the preceding sales must first be analyzed to identify significant differences between the elements of comparison and make adjustments either positive or negative for those differences.

In the process of estimating a market value for the site, the items considered to warrant adjustments are property rights conveyed by the sale, terms and conditions of the sale, the financing surrounding the sale, and an adjustment for changing market conditions or time adjustment and finally any physical adjustments for size, location, zoning and the functional utility or usage of the comparable sales, relative to that of the subject site.

Each of the above sales involved the transfer of the fee simple estate and do not require any further adjustments for property rights conveyed.

In adjusting for the terms and conditions of the sale, each of the above sales is considered to have been normal arms length transactions and do not require any further adjustments for this consideration.

Each of the above sales were cash sales, or have been adjusted for financing and do not require any further adjustments for this consideration.

In adjusting for changing market conditions over the past two years, an analysis of the above sales indicates a limited market for agricultural acreages in the vicinity of the subject site. The direction and magnitude of the change is not well defined. As such, I give the paucity of data from which to estimate an adjustment for this consideration to be warranted.

After making each of the above adjustments, the sales are all brought to the same point in time. The next step is to make adjustments for physical characteristics and differences, relative to that of the subject site. The subject is considered to be the norm and each of the sales are adjusted accordingly toward the subject with sales which considered to be inferior to that of the subject site, requiring varying degrees of upward adjustments toward the subject site; and conversely, sales which are considered to be superior to that of the subject, each accordingly require varying degrees of downward adjustments toward the subject.

Based on my understanding of the commercial market for this area, I consider size, location, the functional utility or development potential of the site including the proximity to neighborhood linkages, such as employment centers, traffic arterioles, housing, etc., to be the most relevant physical adjustments for the above properties.

The underlying real estate principle governing the direction and magnitude of adjustments is based on the principle that the larger the size of the relevant economic unit of comparison, the smaller the price paid per unit of value, and conversely, the smaller the size of the economic unit of value, the higher the price paid per unit, with all other valuation considerations being equal. The economic unit of comparison for predominately agricultural sites in Lancaster County, Nebraska, is the sale price per acre.

In adjusting for size, the subject site contains 1.82 Acres, more or less. Each of the above sales are significantly larger than the subject site. Utilizing the above real estate principle, these sales are considered inferior to the subject in terms of size and require varying degrees of upward adjustment toward the smaller subject site to account for differences in size, relative to that of the subject site. Comparable Sale 2 is considered to be sufficiently comparable to the subject site, in terms of size and require only minor adjustments, relative to that of the subject to account for this consideration. The three remaining sales are significantly larger than the subject site, and based on these differences in size, I consider these sales to require an upward adjustment toward the smaller subject site to account for this size differential. The magnitude of adjustment based on a weighted average of the smaller and larger sales and indicates a differential of approximately fifty percent to account for the size; however, due to the limited number of sales this magnitude of an adjustment is not warranted and for purposes of this report I consider an upward adjustment of twenty percent for each of these sales to be justified, relative to that of the subject.

Each of the comparable sales are located in the vicinity of the subject site and as such I do not consider an adjustment for location to be warranted in this report.

In adjusting for functional utility or development potential of the subject site, relative to that of the subject site, I consider each of the comparable sales to be vastly superior to the subject site for this consideration. As such, each of the comparable sales requires a downward adjustments of twenty percent toward the subject site to account for this consideration.

In terms of zoning, each of the comparable sites are zoned for agricultural usage and based on the comparability of the sales with that of the subject, I do not consider an adjustment for this consideration to be warranted.

The above adjustments considered for the sales are reflected on the following adjustment grid. An adjustment factor greater than one indicates the subject is superior and an adjustment factor less than one indicates the subject is inferior.

**UNIMPROVED SALES ADJUSTMENT GRID**

<b>Attribute</b>	<b>Sale 1</b>	<b>Sale 2</b>	<b>Sale 3</b>	<b>Sale 4</b>
Condition of Sale	1.00	1.00	1.00	1.00
Financing	1.00	1.00	1.00	1.00
Time Adjustment	1.00	1.00	1.00	1.00
Size	1.20	1.00	1.20	1.20
Location	1.00	1.00	1.00	1.00
Functional Utility	0.80	0.80	0.80	0.80
Zoning	1.00	1.00	1.00	1.00
Comp. Adjustment	0.96	0.80	0.96	0.96
Unadjusted \$/Acre	\$ 4,382	\$ 7,326	\$ 5,153	\$ 3,331
Adjusted \$/Acre	\$ 4,207	\$ 5,861	\$ 4,947	\$ 3,198

Arraying the above sales in a linear fashion results in a value range from a low of \$ 3,198/Acre to a high of \$ 5,861/Acre with two of the four sales falling in a relatively narrow range of \$ \$ 4,207 to \$ 4,947/Acre.

After considering the above, and with emphasis on each of the above sales and with particular emphasis on the fact the subject site is an uneconomic unit in and of itself, I am of the opinion the market value for the subject site, as of November 29, 2010, to be \$ 4,500/Acre. This results in the following indication of value for the subject site to be:

1.76 Acres @ \$ 4,500/Acre = \$ 7,920  
Call It: \$ 8,000



## CERTIFICATION

I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.

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James J. Shotkoski  
General Certified Appraiser  
Nebraska CG-920233