

AGREEMENT

**PROJECT NO. DPU-LIN-2-6(120)
CONTROL NO. 12578D
COUNTY OF LANCASTER
STATE OF NEBRASKA, DEPARTMENT OF ROADS
LINCOLN SOUTH BELTWAY**

THIS AGREEMENT is between the County of Lancaster, Nebraska (“County”) and State of Nebraska, Department of Roads (“State”), collectively referred to as the “Parties”.

WITNESSETH:

WHEREAS, State has a proposed project to construct a new four-lane freeway in Lancaster County, which is being designed under the designation of DPU-LIN-2-6(120), Control No. 12578D, known as the “Lincoln South Beltway” at the locations as shown on Exhibits “A, B” and “C” attached; and

WHEREAS, the Federal Highway Administration (FHWA) has oversight for the Lincoln South Beltway because the project would receive federal funding and requires federal approvals. The proposed project was originally approved in 2002 and has undergone several design refinements that are currently being assessed through an Environmental Assessment (EA) conducted by the State and FHWA. The County is cooperating in the development of the EA, and

WHEREAS, the State’s project will affect several county roads and will require closures and realignments at the locations as shown in Exhibits “D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S”, and “T” attached, and

WHEREAS, County has jurisdictional responsibility for the county roads under Neb. Rev. Stat. § 39-2105, and

WHEREAS, State and County have coordinated the development of the project and have entered into this Agreement to coordinate the effects of the State’s project on County roads, and

WHEREAS, State and County acknowledge that portions of the county roads may be temporarily closed to traffic during phases of the construction of State’s project; and

WHEREAS, State and County acknowledge that the project will require the temporary closure of designated county roads and will necessitate local traffic to use other County roads during phases of the construction of State's project; and

WHEREAS, State and County acknowledge that temporary traffic control devices to re-route local traffic around county road closures will be required; and

WHEREAS, County has reviewed the proposed work on the county roads and is agreeable to the county road construction, frontage road construction and temporary and permanent county road closures in accordance with the following terms and conditions; and

WHEREAS, the County Board has authorized the Chairperson to sign this Agreement as evidenced by the Resolution of County Board, attached as Exhibit "U", and

WHEREAS, the State and FHWA intend to complete the EA and hold a public hearing in 2017. Based on that review, further design refinements may be undertaken that could affect this Agreement. In such event that the State's project is changed, this Agreement will be revisited, and

WHEREAS, the parties acknowledge that the Federal Highway Administration is not a party to this Agreement and that FHWA is not in any way bound by the terms of the Agreement. Furthermore, the parties agree that the Agreement will not predetermine or unduly influence the results of any analysis conducted by or on behalf of FHWA.

NOW THEREFORE, in consideration of these facts, the parties agree to the following:

SECTION 1: State proposes to construct a four-lane divided freeway in Lancaster County, approximately 11 miles long, beginning at United States Highway 77 (US-77), located generally between Saltillo Road and Bennet Road, and ending at Nebraska Highway 2 (N-2) and 120th Street. The project would include interchanges at US-77, Saltillo Road, S. 27th Street, S. 68th Street, S 84th Street, and N-2/S. 120th Street. Overpass structures are proposed at S. 25th Street, the Homestead Trail, Burlington Northern Santa Fe (BNSF) Railroad, S. 54th Street, Saltillo Road (east of S. 98th Street), Omaha Public Power District (OPPD) railroad spur, and S. 134th Street. The new four-lane freeway would be designated as Highway N-2 upon completion and is being designed under the corridor designation of DPU-LIN-2-6(120), Control No. 12578D, known as the "Lincoln South Beltway" at the locations as shown on Exhibits "A, B" and "C" attached, and hereby incorporated into this Agreement . Lighting would be installed at county road intersections along Saltillo Road, if warranted or existing. The project would include the construction of Municipal Separate Storm Sewer System (MS4) water quality components

because all or some of the project is within the extraterritorial jurisdiction or the corporate limits of the City of Lincoln, Nebraska.

SECTION 2: County agrees that the State will close, reconstruct or modify the following County Roads as listed below and as shown in the Exhibits which are attached, and hereby incorporated into this Agreement, as a part of Project No DPU-LIN-2-6(120), at no cost to the County:

- The existing Bennet Road intersection with Highway US-77 would be closed with cul-de-sacs east and west of the existing intersection. Bennet Road would be re-graded with gravel surfacing and a Bennet Road West Access Road would be constructed to maintain access to properties on the west side of Highway US-77 (Exhibit "D" and "E").
- A portion of S. 14th Street would be closed and S. 14th Street would be re-aligned into a new intersection with Saltillo Road (Exhibit "F").
- The existing at-grade Saltillo Road intersection with Highway US-77 would be reconfigured to a service interchange. The Saltillo Road intersections with S. 14th Street and Shrine Way would be relocated (Exhibit "F").
- The existing Rokeby Road intersection with Highway US-77 would be closed with cul-de-sacs east and west of this intersection. A Rokeby Road West Access Road would be constructed to provide access to properties on the West side of Highway US-77 (Exhibit "G").
- The Lincoln South Beltway (Highway N-2) would be on a bridge over the existing S. 25th Street (Exhibit "H").
- A new interchange and overpass would be constructed for the S. 27th/S. 38th Street and would include a S. 38th Street West Access Drive. In addition, a new intersection of S. 27th/S. 38th Street and Saltillo Road intersection would be constructed. (Exhibit "I")
- S. 38th Street would be closed with cul-de-sacs on both sides of the Lincoln South Beltway (Exhibit "I").
- S. 54th Street would be put on a grade separated structure over the Lincoln South Beltway (Highway N-2) (Exhibit "J").
- A new interchange and overpass would be constructed for the S. 68th/S. 70th/Street and would include a cul-de-sac of S. 68th Street on the north side of the Lincoln South Beltway. In addition, a new intersection of S. 68th/S. 70thStreet and Saltillo Road intersection would be constructed (Exhibit "K").

- A new interchange and overpass would be constructed for the S. 84th/S. 82nd Street and would include a cul-de-sac of S. 82nd Street on the north side of the Lincoln South Beltway. In addition, a new intersection of S. 84th/S. 82nd Street and Saltillo Road intersection would be constructed. A new S. 82nd Street East Access Road frontage road would be constructed to maintain access to properties on the east side of S. 82nd Street (Exhibit "L").
- S. 96th Street would be re-aligned and a new intersection of S. 96th Street/Saltillo Road would be constructed (Exhibit "M").
- S. 98th Street would be re-aligned and a new intersection of S. 98th Street/Saltillo Road would be constructed (Exhibit "M").
- Saltillo Road would be put on a grade separated structure over the Lincoln South Beltway just east of the existing Saltillo Road/S. 98th Street intersection (Exhibit "M").
- The existing S. 98th Street at-grade railroad crossing of the OPPD tracks would be closed and S. 98th Street would be re-aligned to the east and a new at-grade crossing of the OPPD tracks would be constructed (Exhibit "N").
- The existing Rokeby Road at-grade railroad crossing of the OPPD tracks would be closed (Exhibit "O").
- Rokeby Road would be closed with a cul-de-sac between a point east of the OPPD railroad tracks and S. 120th Street (Exhibits "P" and "R").
- Existing S. 120th Street would be closed with cul-de-sacs on both sides of the Lincoln South Beltway (Exhibits "Q" and "R").
- A new interchange and overpass would be constructed for the existing S. 120th Street/ Nebraska Highway intersection and would include a re-alignment of portions of both S. 120th Street and Nebraska Highway (Exhibits "Q" and "R").
- NE 2 Frontage Road would be closed with a cul-de-sac on the south side of existing Highway N-2 (Exhibit "S").
- The existing S. 134th Street intersection with Highway N-2 would be closed and this roadway would be put on a grade separated structure over Highway N-2. In addition, 3 frontage roads would be constructed to maintain access to properties north and south of this existing intersection (Exhibit "S").
- A S. 148th Street access road would be constructed to maintain access to properties on the north side of Highway N-2 (Exhibit "T").

SECTION 3: County will retain sole statutory jurisdictional responsibility for all existing and reconfigured county roads affected by State's project.

SECTION 4: Segments of county roads adjacent to the Lincoln South Beltway will be temporarily closed to traffic during phases of the construction of State's project.

SECTION 5: County will operate, maintain and repair the storm drainage system associated with the county road modifications which includes MS4 components as required under Nebraska Revised Statute. State will notify County of proposed MS4 components that will be operated and maintained by County after construction.

SECTION 6: County will be responsible for inspection, maintenance, repair, and the cost of electrical energy for the lighting system installed at county road intersections, built as a part of the project. State will be responsible for the lighting system within the footprint of the interchanges, built as a part of the project.

SECTION 7: State will temporarily close county roads when required to construct the State's project. State will be responsible for traffic control necessary to temporarily close the county roads. County will be responsible for building, operating, maintaining, and removing the traffic control devices and signing necessary to notify local traffic to alternate routes available as deemed necessary by the County. Traffic control signs and variable message boards that are required to accommodate the alternate route signing plans prepared by the County will be provided by the State. Signs will be returned to the State after the project. Variable message boards will be returned to the State when they are not in use.

SECTION 8: The State will divide the overall project into several construction projects to be let in a period spanning multiple years under separate project number and control number designations.

SECTION 9: The State will determine the letting(s) and will be the sole signatory to the contract(s).

SECTION 10: The State will design, let, and construct the improvements and will make sole determination as to the scheduling of the construction for this project.

SECTION 11: County's costs under this Agreement will not be reimbursed as a part of State's project.

SECTION 12: Plans and specifications for the above mentioned project will be housed in the office of the Department of Roads, Lincoln, Nebraska.

SECTION 13: If the EA process results in any changes to the State project that changes the affected County Roads outlined in Section 2 of this Agreement, a supplemental Agreement or Agreement will be executed to update the details described above.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement pursuant to lawful authority as of the date signed by each party.

EXECUTED by the County this ____ day of _____, 2017.

WITNESS:

COUNTY OF LANCASTER

Clerk

Chairperson, County Board

EXECUTED by the State this ____ day of _____, 2017.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Michael H. Owen, P.E.

Roadway Design Engineer

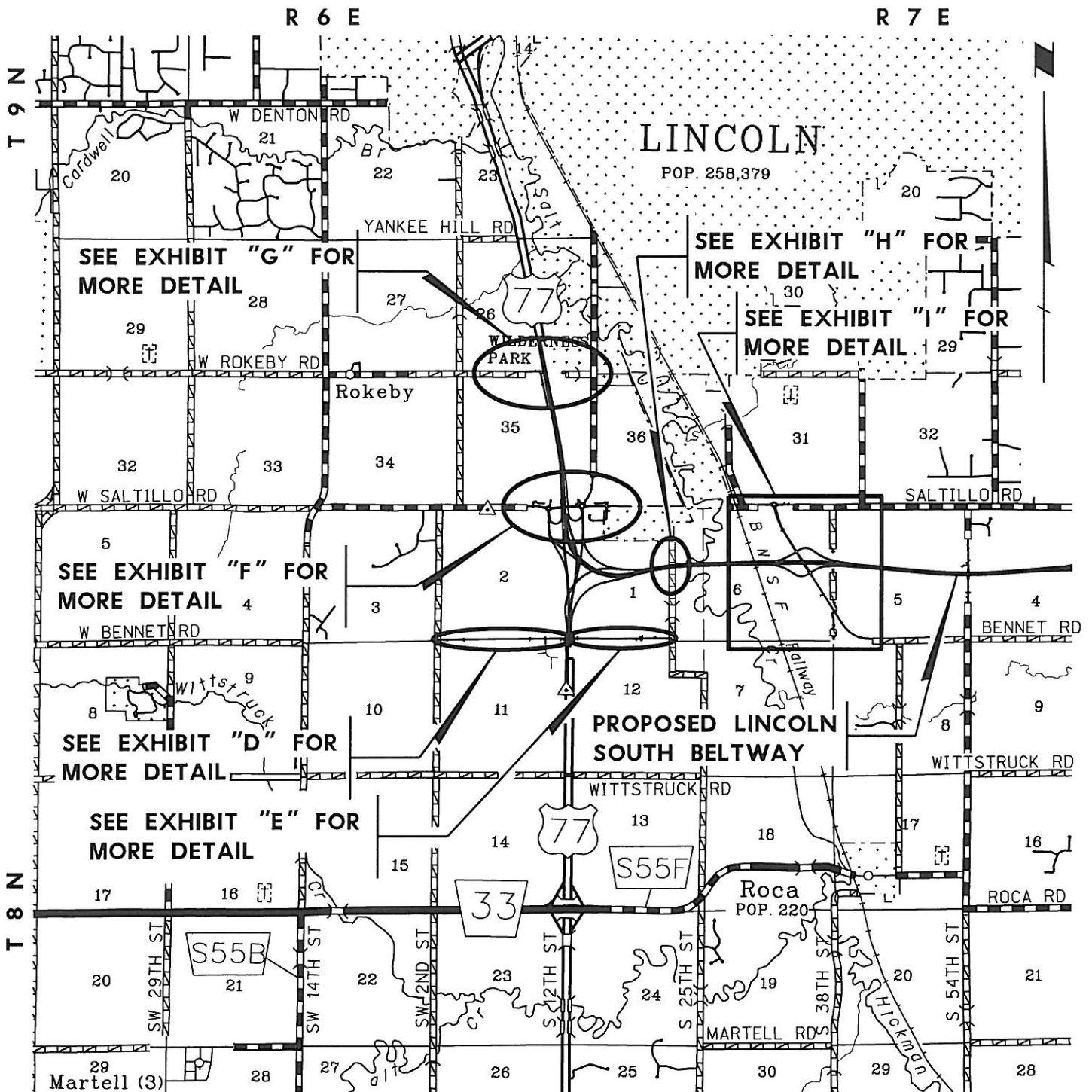
RECOMMENDED:

Thomas Goodbarn, P.E.

District 1 Engineer

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA



2-6(120)

C.N. 12578D

EXHIBIT "A"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E

SEE EXHIBIT "N" FOR
MORE DETAIL

LINCOLN

POP. 258,379

SEE EXHIBIT "L" FOR
MORE DETAIL

SEE EXHIBIT "K" FOR
MORE DETAIL

PROPOSED LINCOLN
SOUTH BELTWAY

SEE EXHIBIT "J" FOR
MORE DETAIL

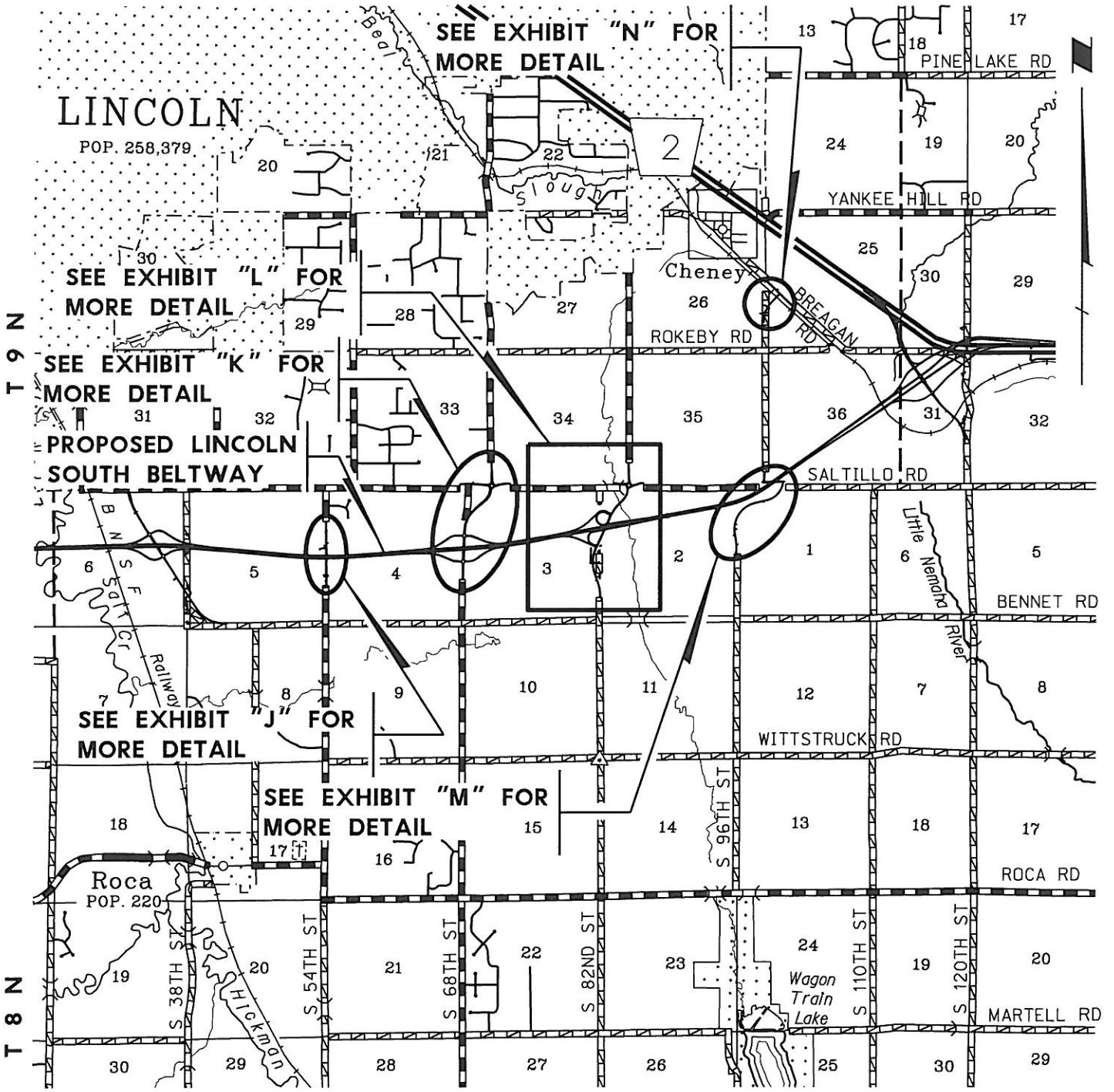
SEE EXHIBIT "M" FOR
MORE DETAIL

Roca
POP. 220

EXHIBIT "B"

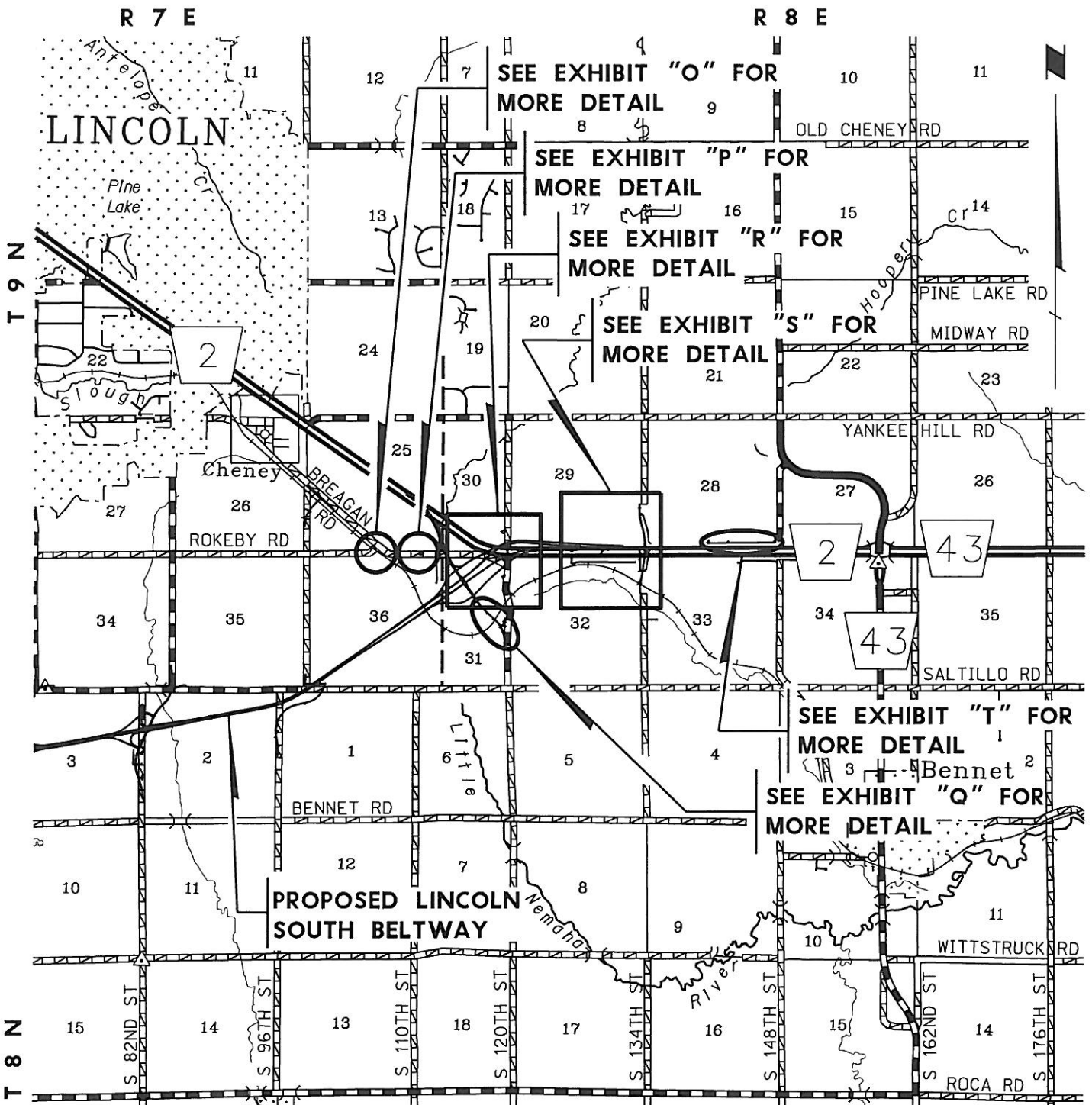
2-6(120)

C.N. 12578D



LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA



2-6(120)

C.N. 12578D

EXHIBIT "C"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 6 E

2

T 8 N

SW 2ND ST

GRAVEL

BENNET RD

GRAVEL

GRAVEL

GRAVEL

PROPOSED CHANGES
TO BENNET RD

11

PROPOSED BENNET RD
WEST ACCESS ROAD



2-6(120)

C.N. 12578D

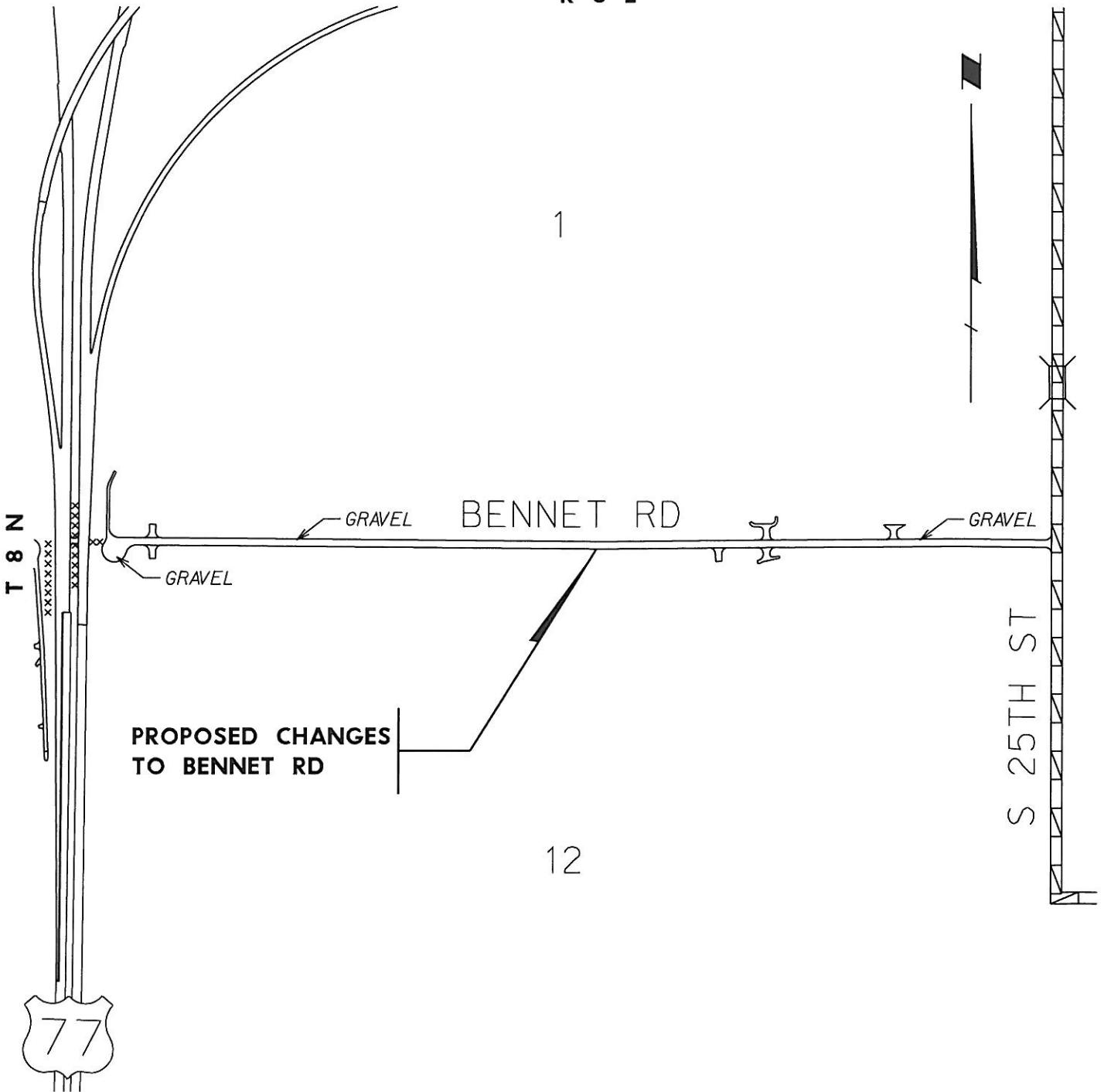
EXHIBIT "D"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 6 E

1



PROPOSED CHANGES
TO BENNET RD

12

S 25TH ST

2-6(120)

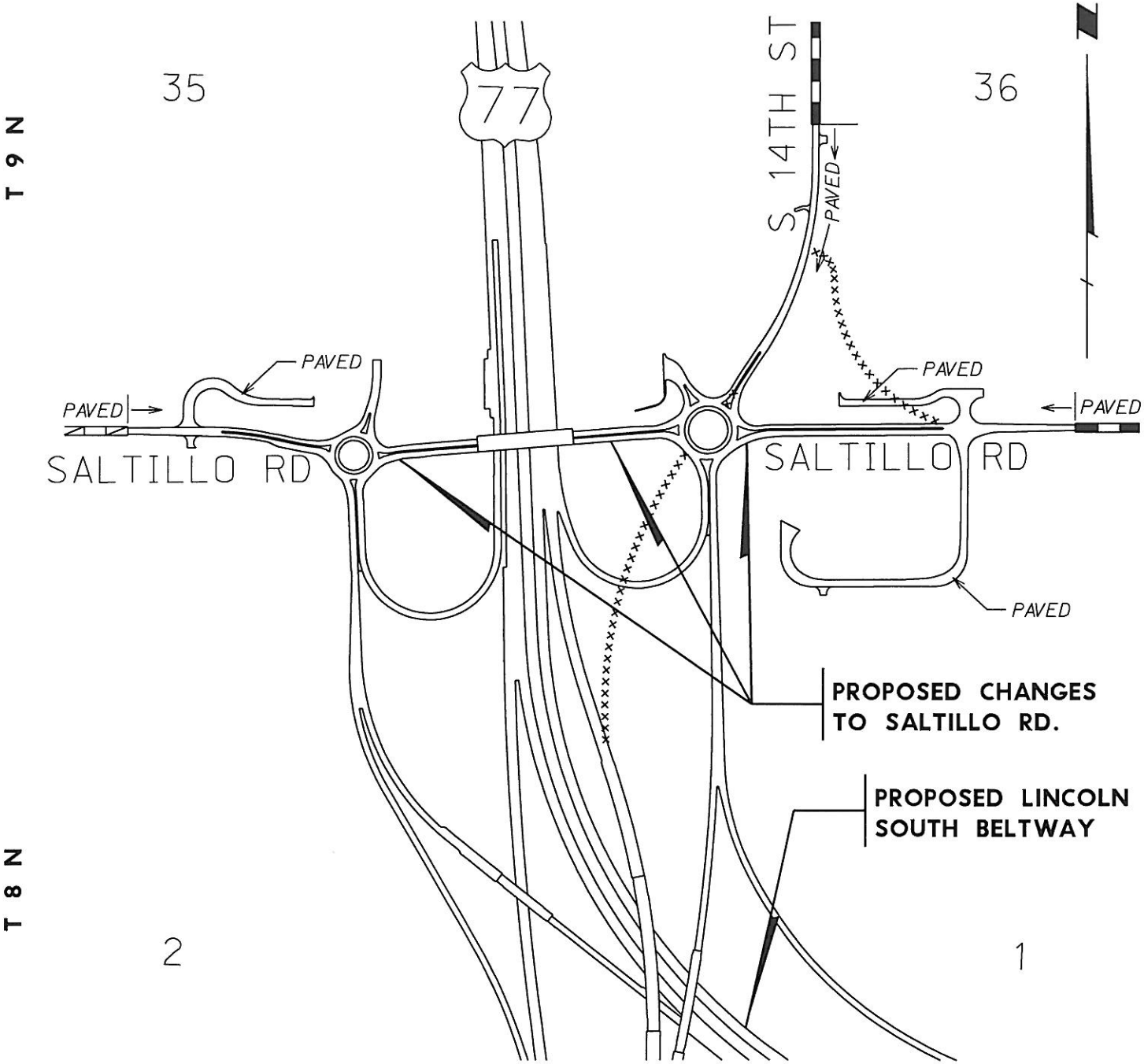
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EXHIBIT "E"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 6 E



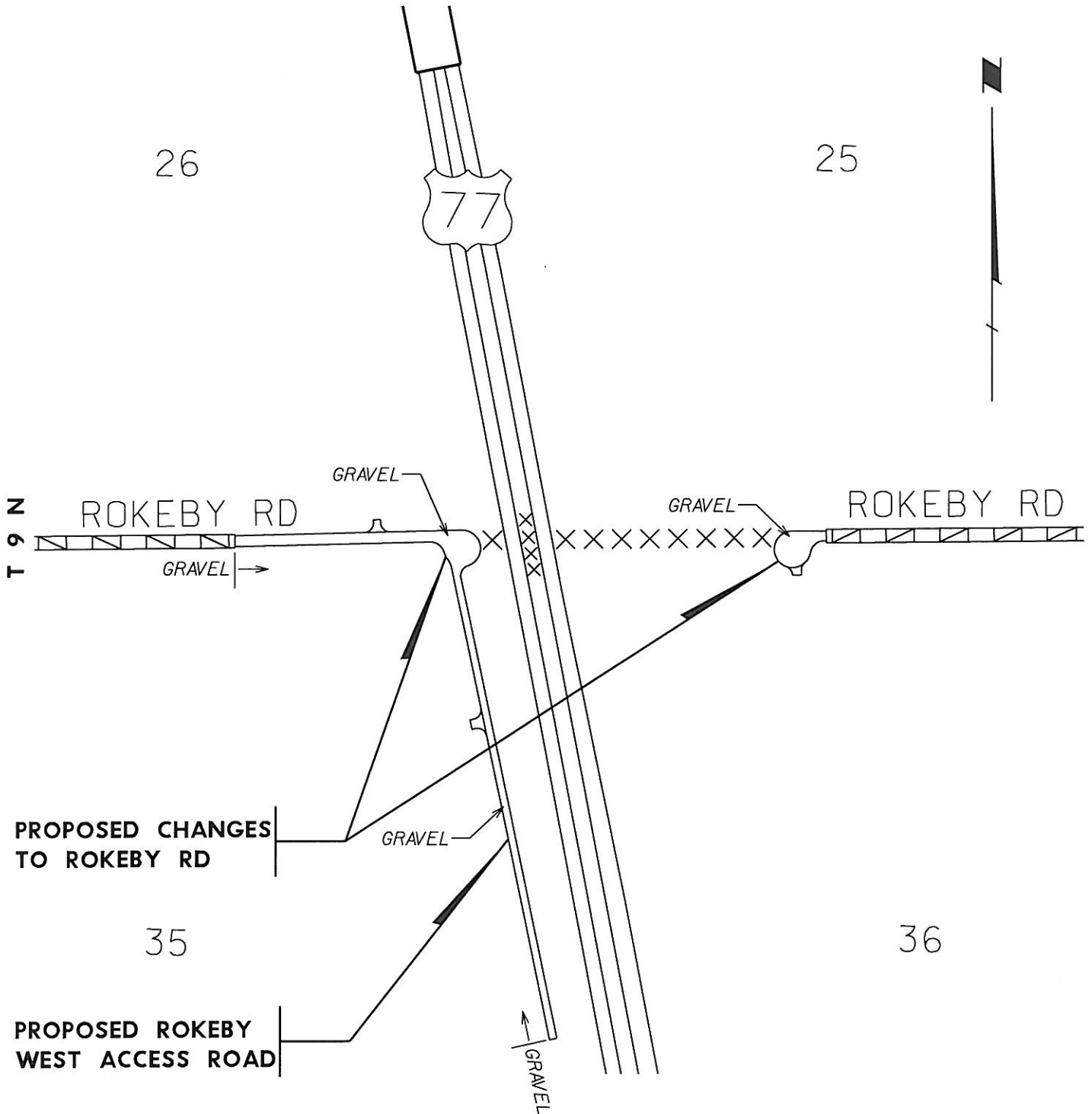
2-6(120)
C.N. 12578D

EXHIBIT "F"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 6 E



2-6(120)

C.N. 12578D

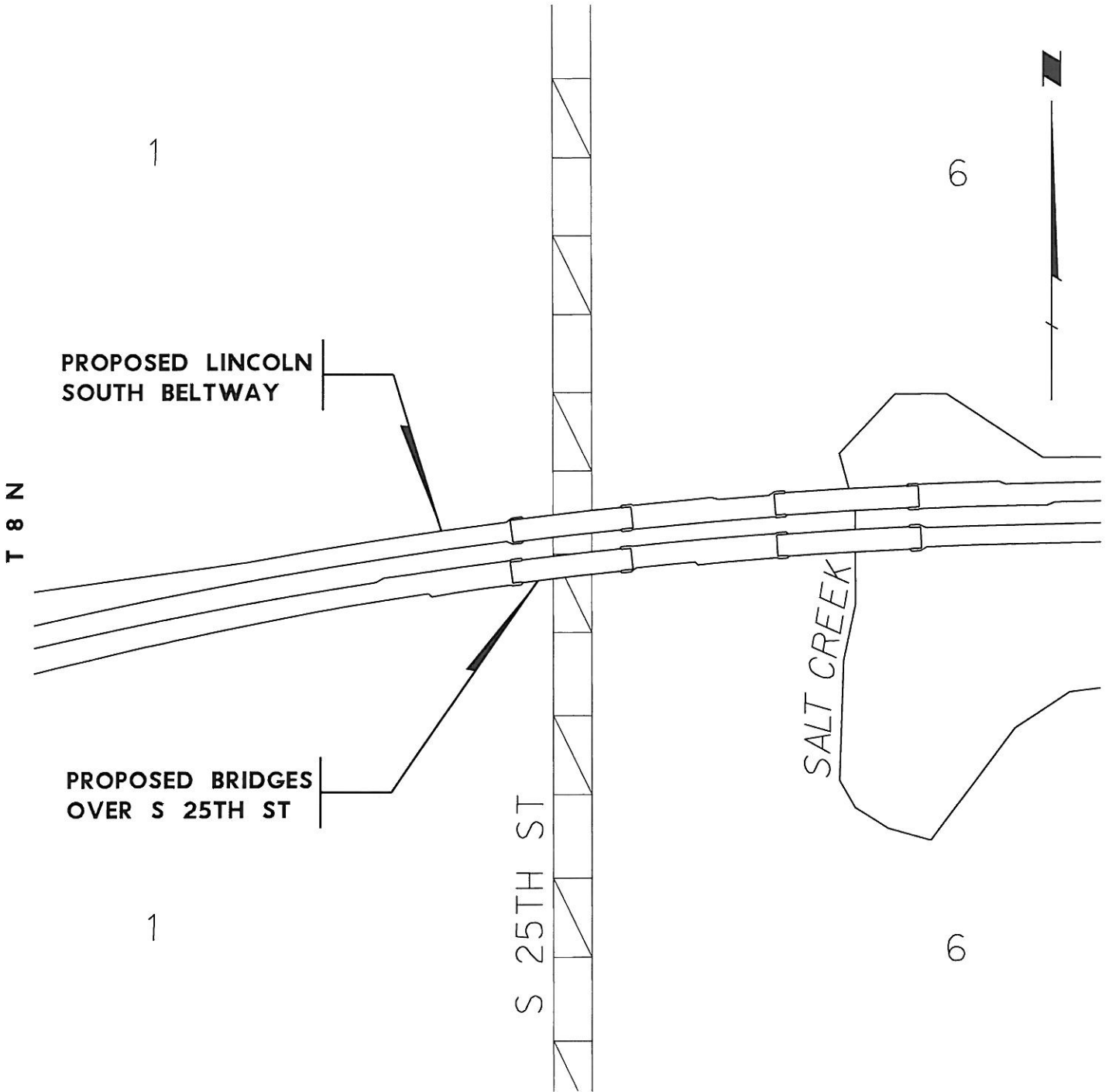
EXHIBIT "G"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 6 E

R 7 E



2-6(120)

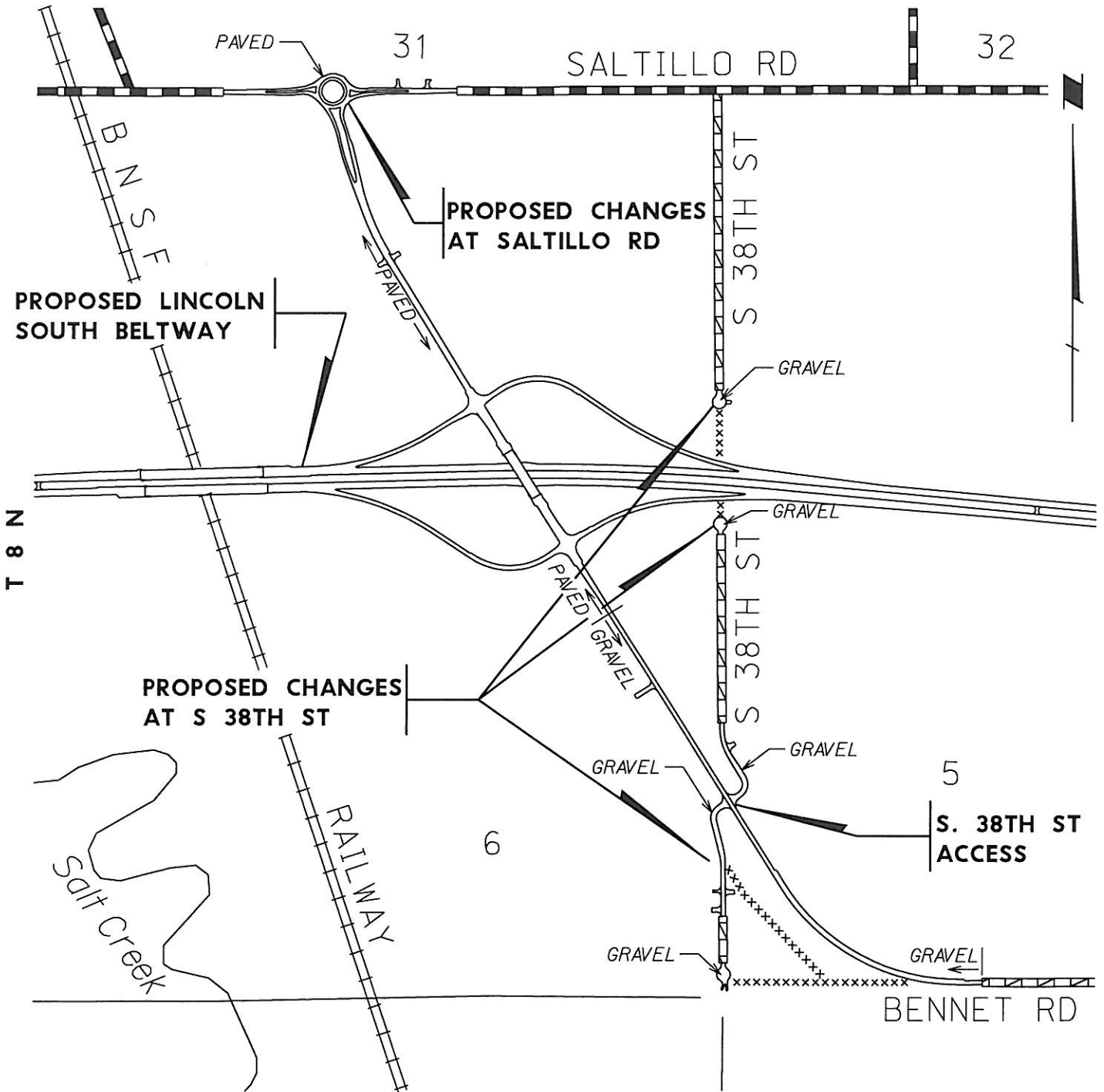
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EXHIBIT "H"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E



2-6(120)

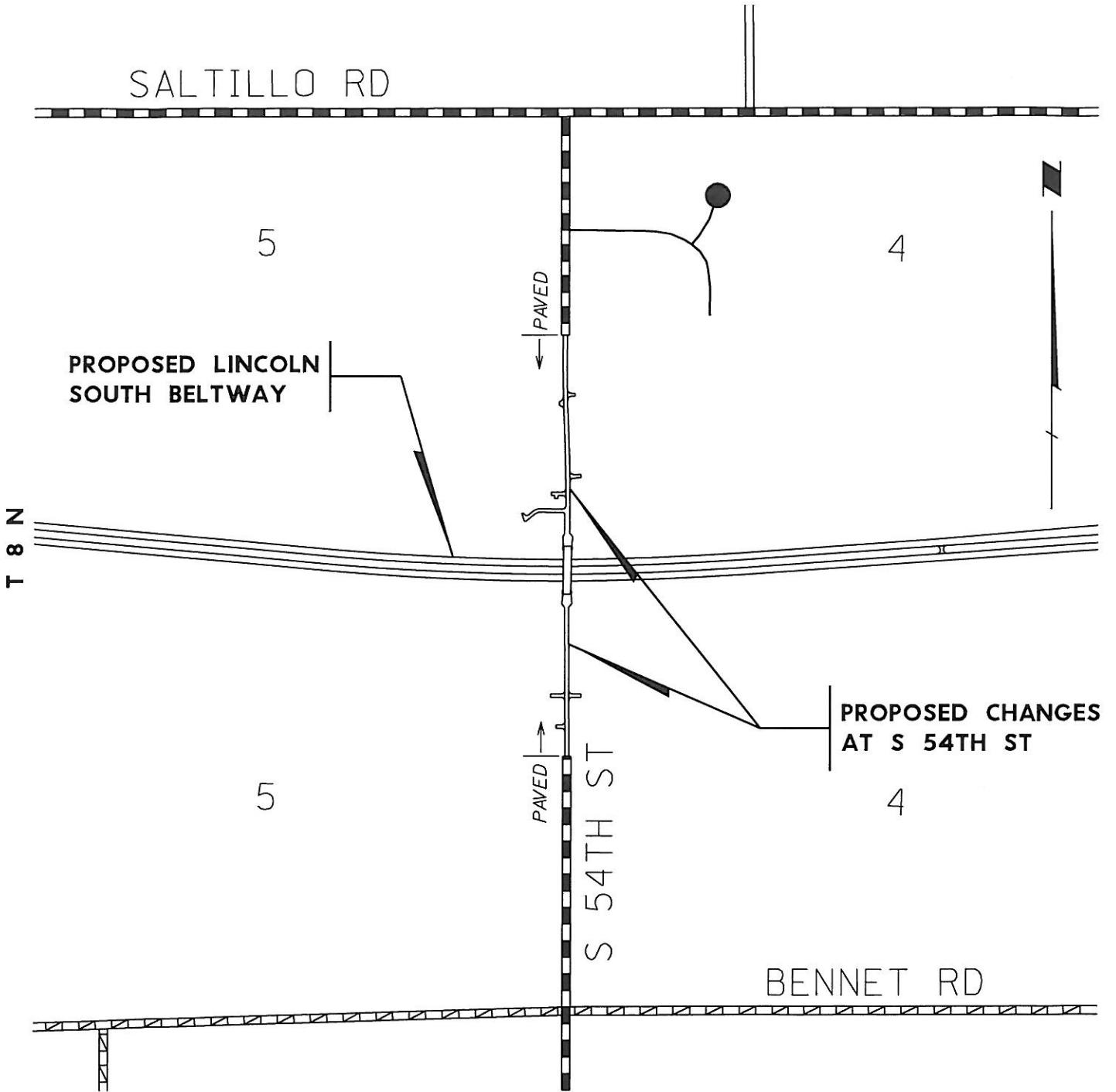
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EXHIBIT "I"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E



2-6(120)

C.N. 12578D

EXHIBIT "J"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E

T 9 N

PROPOSED CHANGES
AT S 70TH ST

33

34

SALTILLO RD

PAVED →

S 70TH ST

← PAVED

← PAVED

PROPOSED CHANGES
AT S 68TH ST

PAVED

PROPOSED LINCOLN
SOUTH BELTWAY

T 8 N

4

S 68TH ST

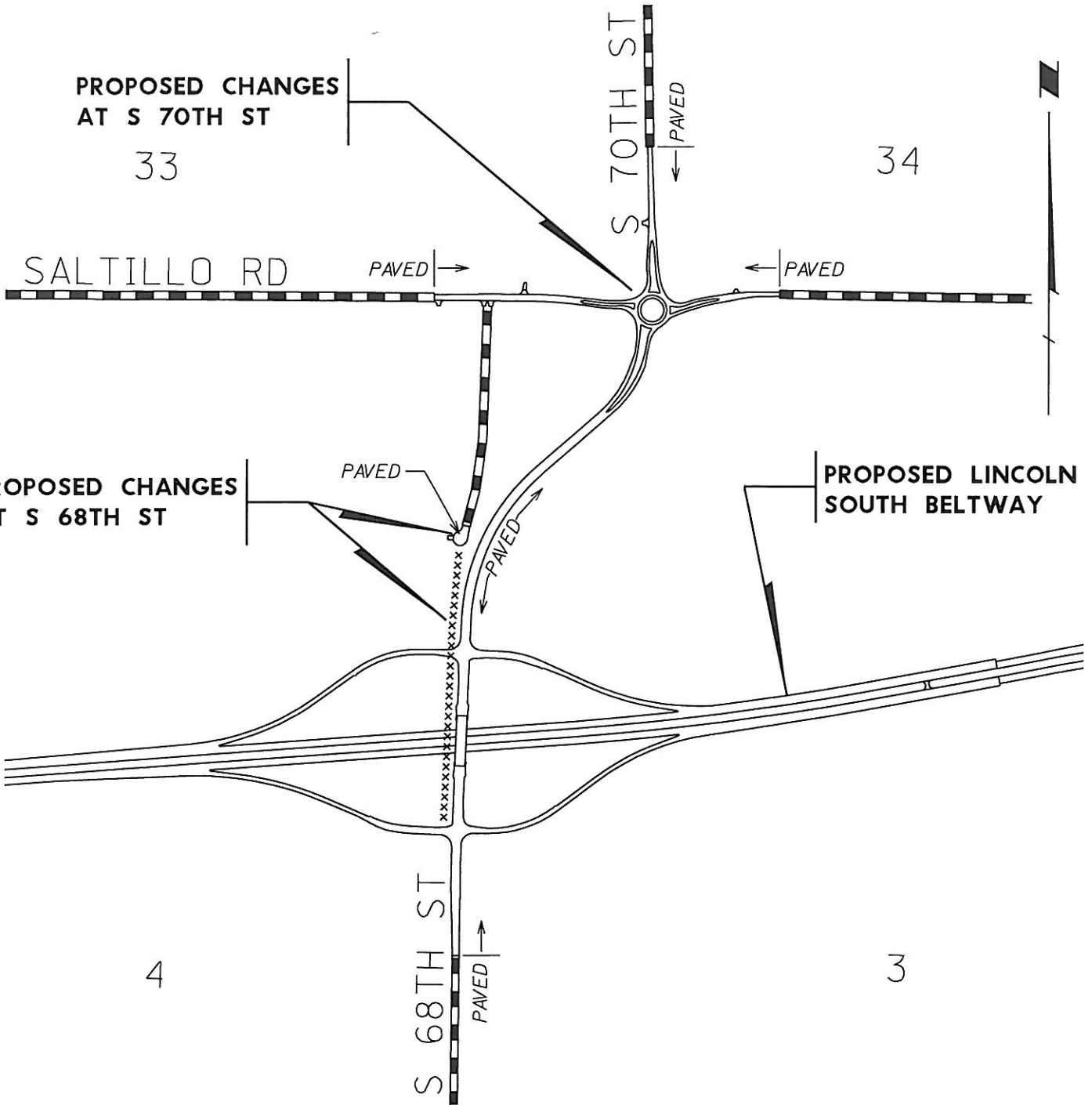
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3

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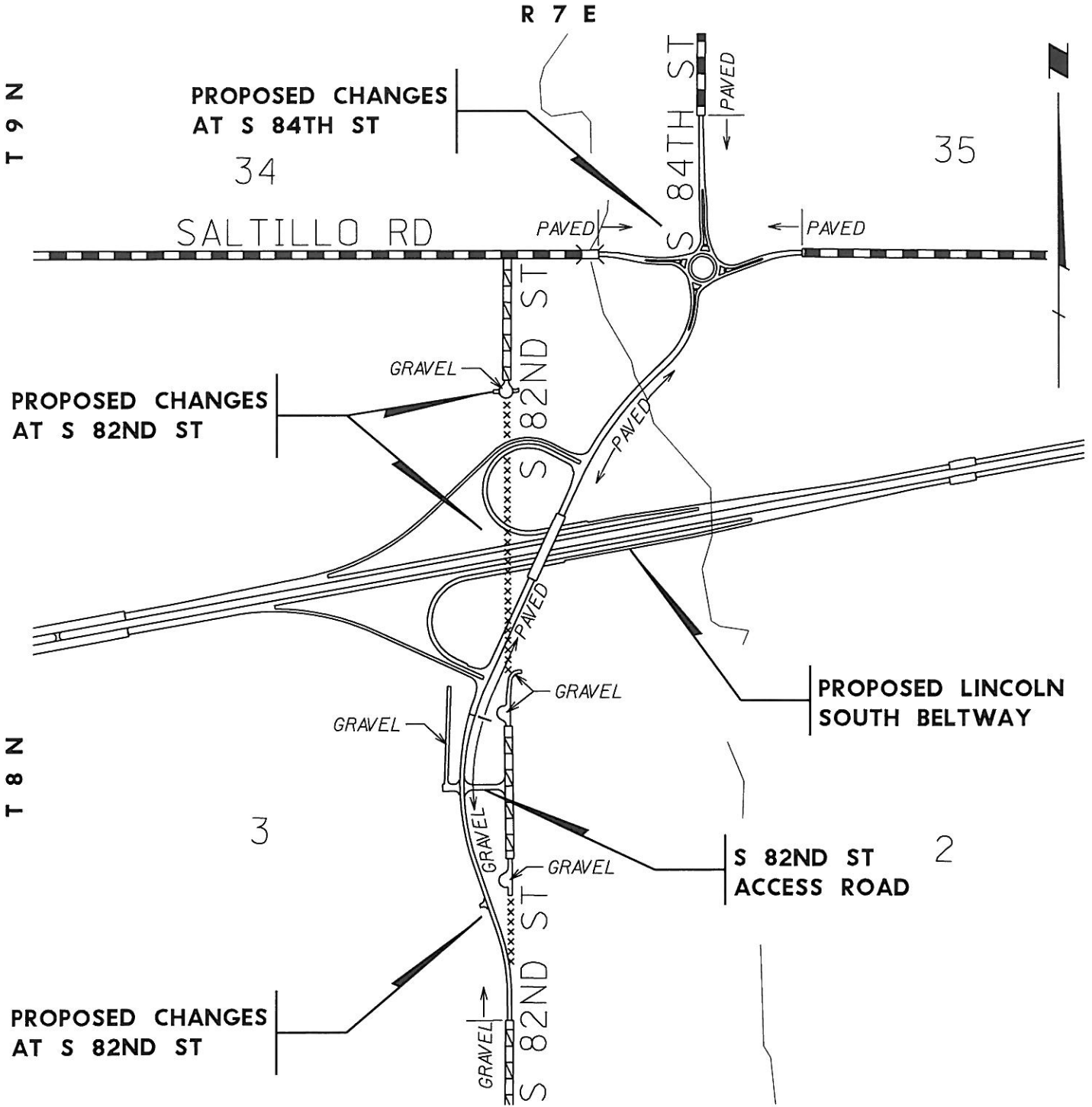
C.N. 12578D

EXHIBIT "K"



LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA



2-6(120)

C.N. 12578D

EXHIBIT "L"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E

T 9 N

35

PROPOSED LINCOLN
SOUTH BELTWAY

36

SALTILLO RD

S 98TH ST

GRAVEL

PAVED

PAVED

GRAVEL

GRAVEL

GRAVEL

PROPOSED CHANGES AT
S 96TH ST & S 98TH ST

T 8 N

2

S 96TH ST

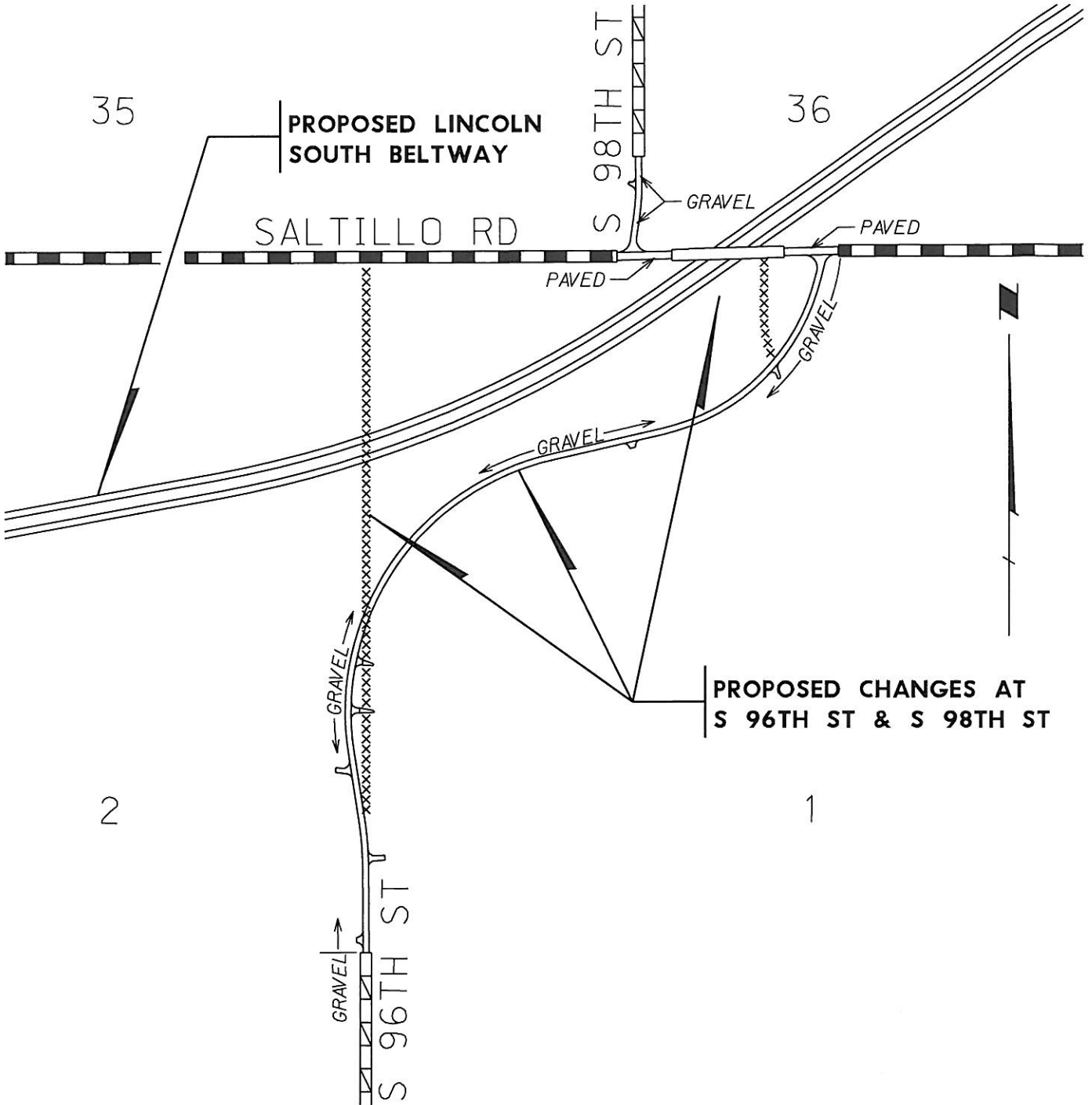
GRAVEL

1

2-6(120)

C.N. 12578D

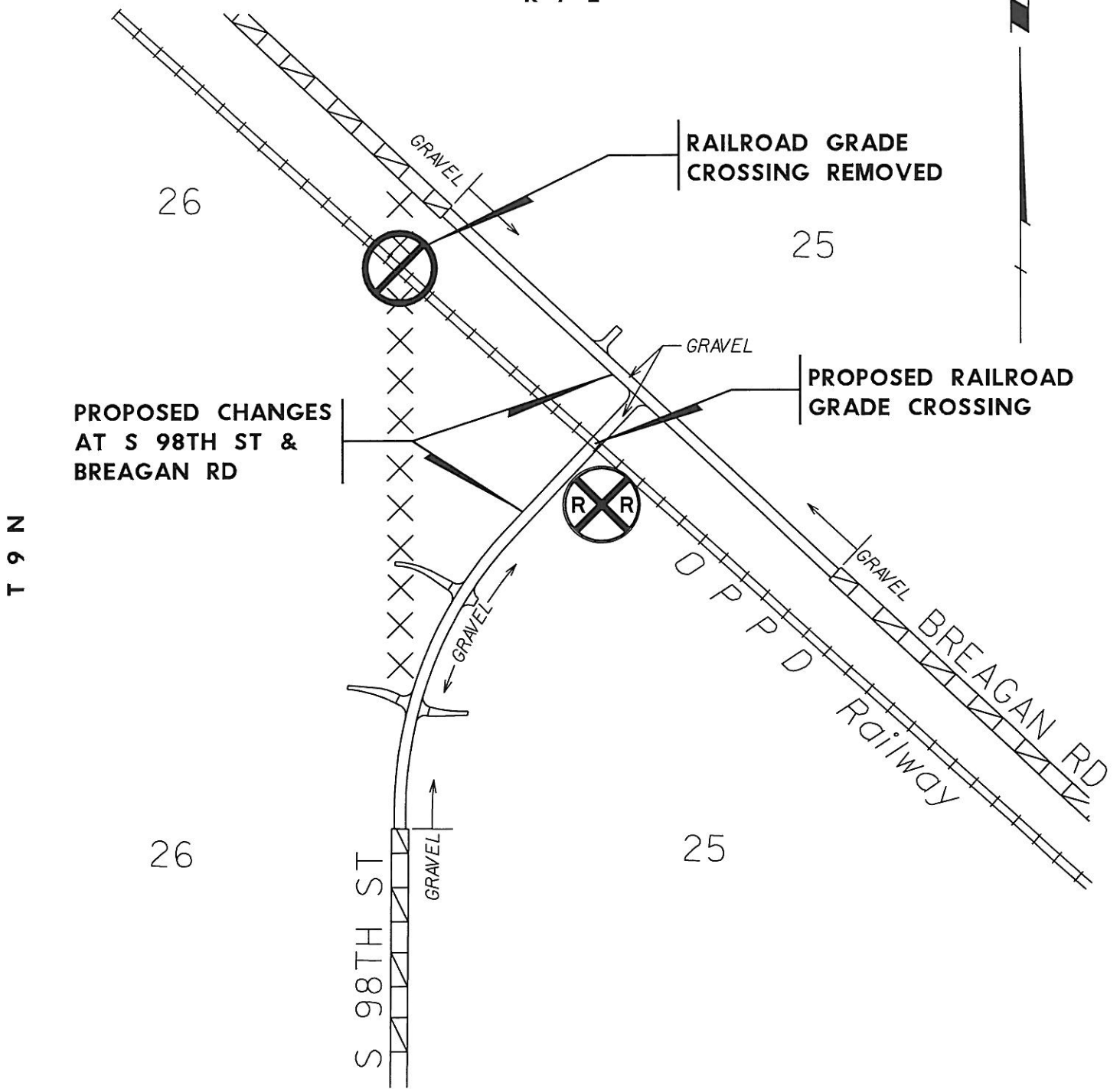
EXHIBIT "M"



LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E



2-6(120)

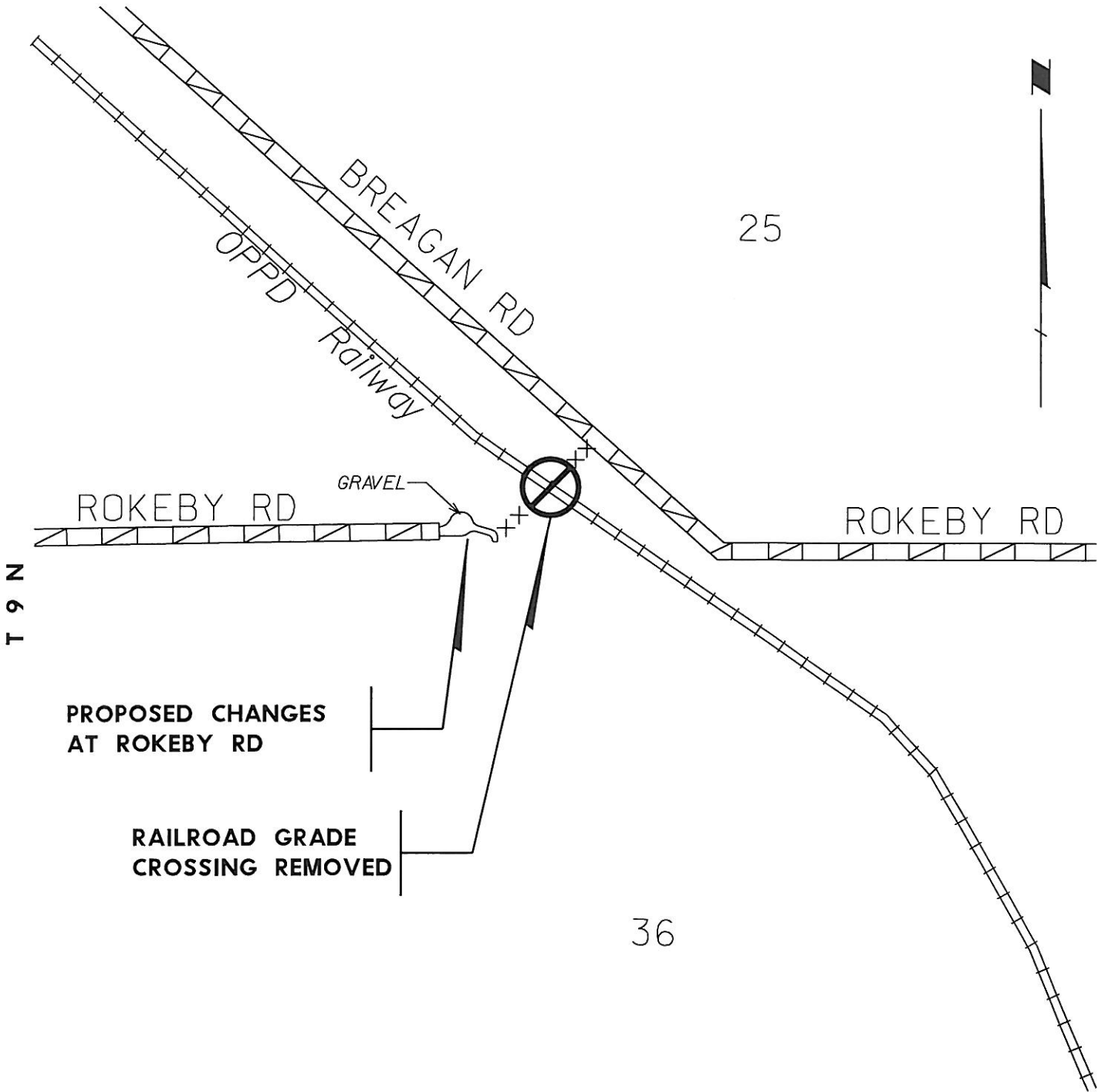
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EXHIBIT "N"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 7 E



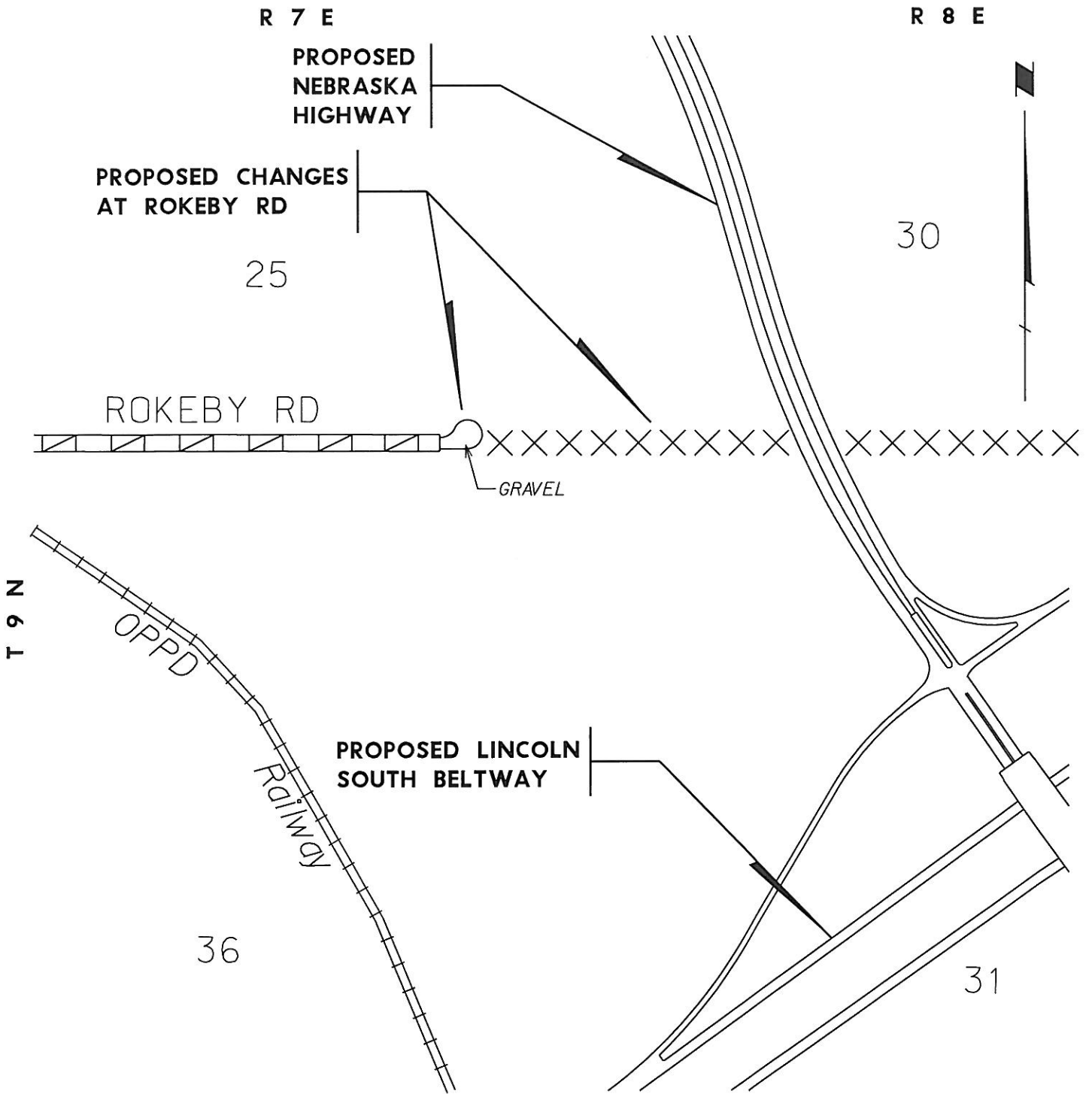
2-6(120)

C.N. 12578D

EXHIBIT "O"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA



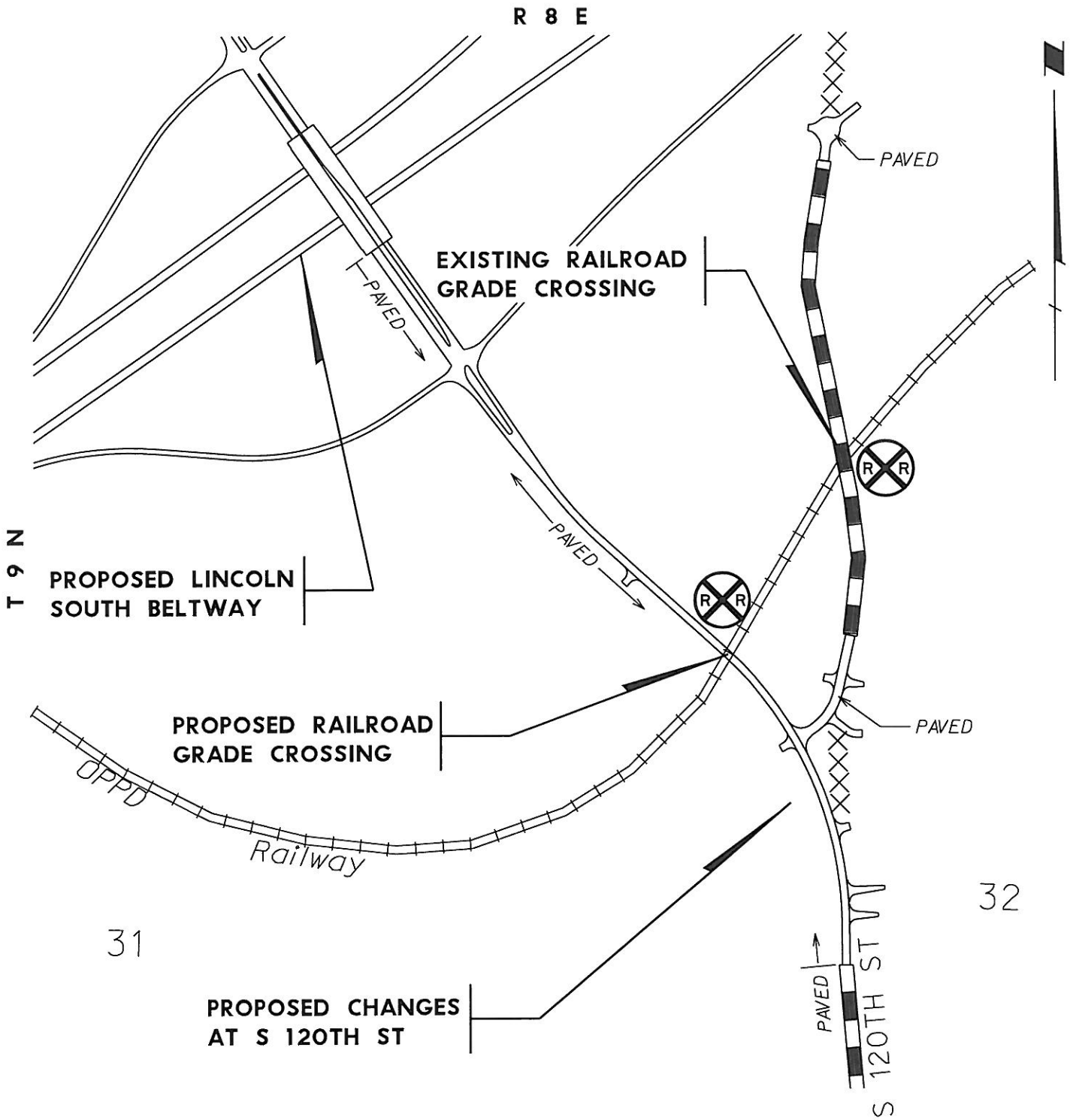
2-6(120)

C.N. 12578D

EXHIBIT "P"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA



2-6(120)

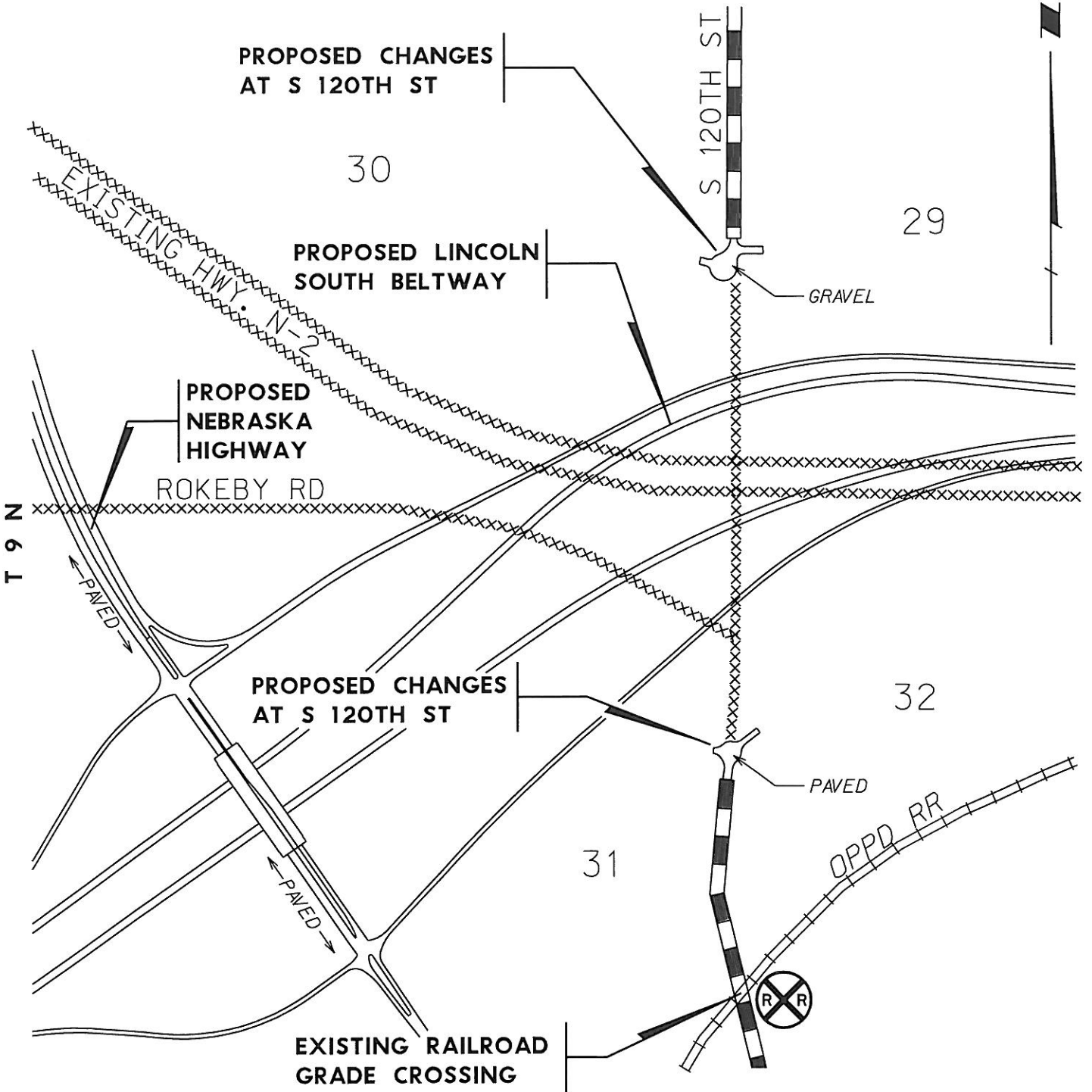
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EXHIBIT "Q"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 8 E



2-6(120)

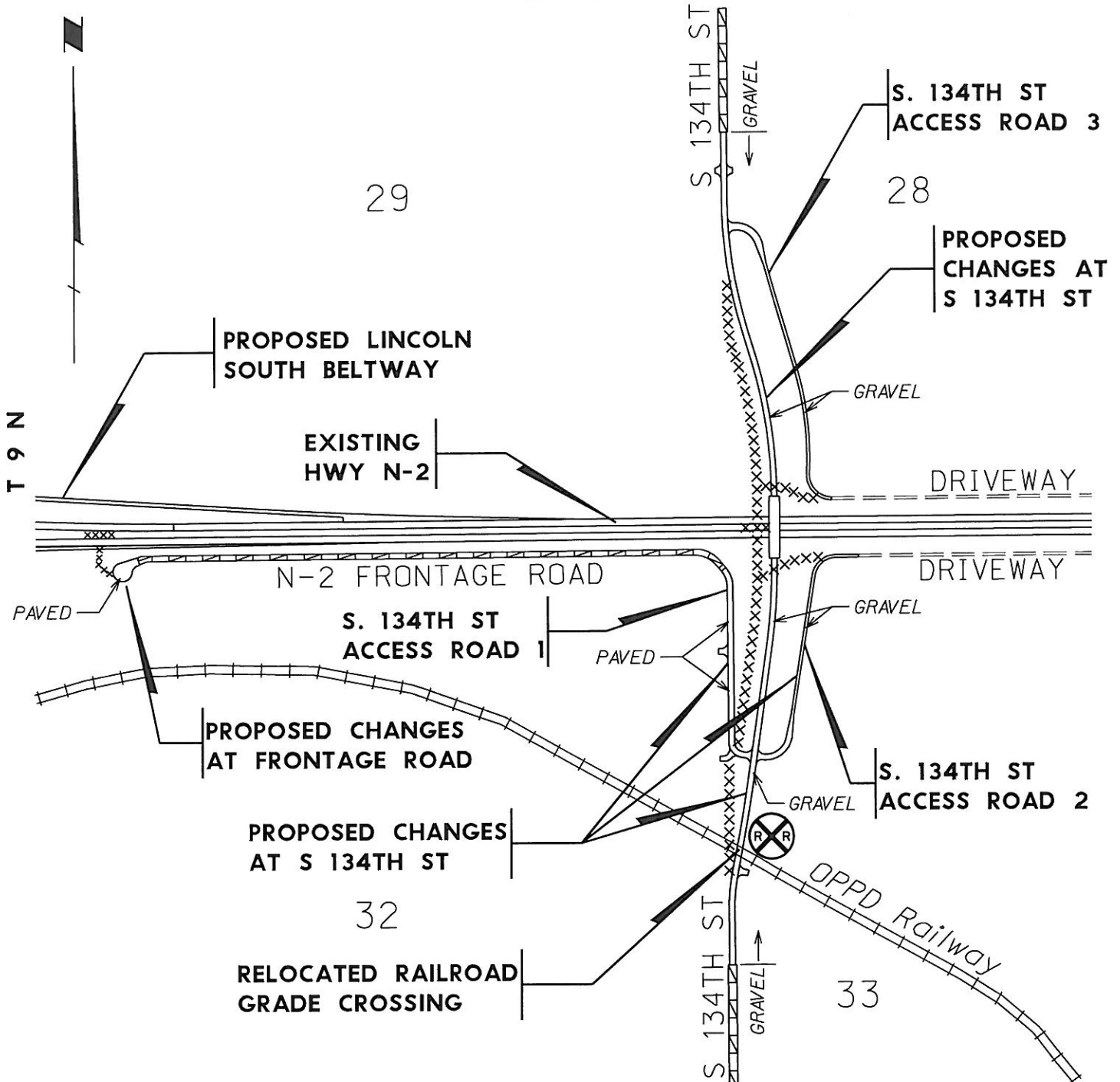
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EXHIBIT "R"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 8 E



2-6(120)

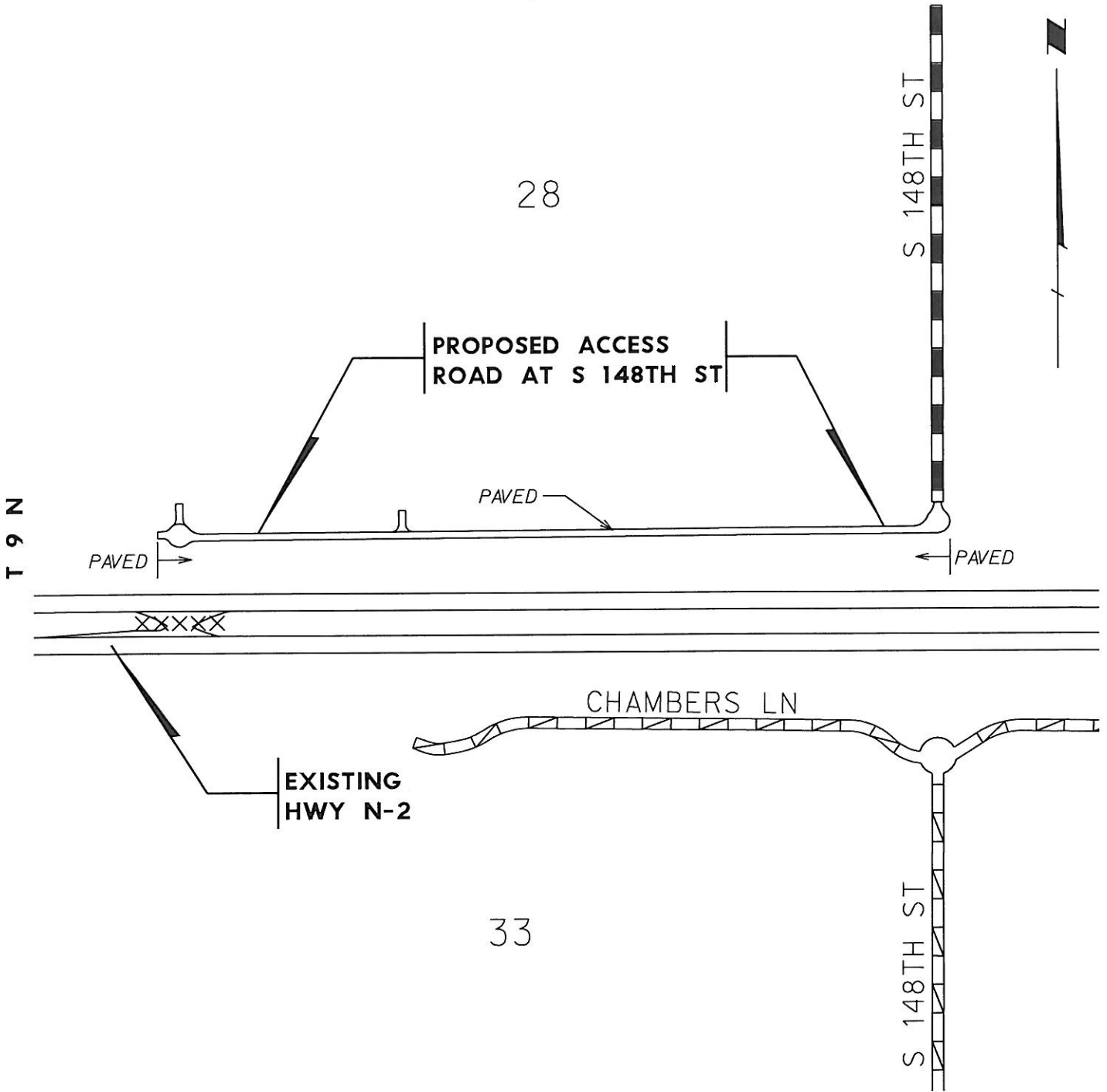
C.N. 12578D

EXHIBIT "S"

LANCASTER COUNTY

LANCASTER COUNTY
NEBRASKA

R 8 E



2-6(120)

C.N. 12578D

EXHIBIT "T"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE AGREEMENT)
BETWEEN THE STATE OF NEBRASKA)
DEPARTMENT OF ROADS, FOR)
PROJECT NO. DPU-LIN-2-6(120))

RESOLUTION NO. R-17-0028

WHEREAS, general supervision and control of the public roads of Lancaster County (“County”) is vested in the Board of County Commissioners of Lancaster County, Nebraska, (the “Board”) pursuant to Neb. Rev. Stat. § 39-1402;

WHEREAS, the State of Nebraska through the Nebraska Department of Roads (“State”) desires to construct a new four-lane freeway in Lancaster County, designated DPU-LIN-2-6(120), Control No. 12578D, known as the “Lincoln South Beltway” (“Project”);

WHEREAS, the Board wishes to enter into this Agreement with the State with respect to this Project; and

WHEREAS, the Board wishes to authorize the Chairperson of the Board to execute this Agreement with the State;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, that the Chair of the Lancaster County Board of County Commissioners is hereby authorized to execute this Agreement with the State of Nebraska, Department of Roads, for Project No. DPU-LIN-2-6(120).

DATED this ____ day of April, 2017, at the County-City Building, Lincoln, Lancaster County Nebraska.

EXHIBIT U

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of
April, 2017.

for JOE KELLY
Lancaster County Attorney

ATTEST:

Lancaster County Clerk