

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 20, 2026 AGENDA

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT – RIGHT OF WAY SERVICES – GILES ROAD WIDENING	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

SYNOPSIS

A resolution has been prepared authorizing an agreement with Midwest Right of Way Services of Omaha, Nebraska, for right of way services for the Giles Road Widening project for the Burlington Northern Sante Fe (BNSF) Bridge to I-80 Eastbound On/Off Ramps in an amount not to exceed \$38,250.

FISCAL IMPACT

The FY25/FY26 Biennial Budget provides funding for this project.

RECOMMENDATION

Approval.

BACKGROUND

On January 16, 2024, Council approved a Professional Services Agreement with Alfred Bensch & Company (Benesch) for the design of the above reference project to provide for roadway rehabilitation, auxiliary lane, drainage and signal improvements along Giles Road from the BNSF Bridge west of 120th Street to the on/off Ramps of I-80 Eastbound to facilitate asset rehabilitation and capacity improvements on this section of Giles Road. As Benesch has submitted the 90% design plans to staff, work can begin on acquiring the right-of-way easements and acquisitions necessary to complete the project.

Midwest Right of Way Services has submitted the attached proposal for review and execution. Midwest Right of Way Services will begin work immediately upon approval, and work is expected to be completed over the next several months, to which the Giles Road Widening project is anticipating bidding for construction in FY27 /FY28.

A copy of the proposal is attached for review.

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 ACQUISITION SERVICES FOR THE GILES ROAD WIDENING PROJECT IN AN AMOUNT NOT TO EXCEED \$38,250.00.

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

WHEREAS, the FY25/FY26 Biennial Budget includes funding for this project; and

WHEREAS Subsection (C) (8) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secures City Council approval in accordance with the Purchasing Policy approved by City Council;

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 right of way acquisition services for the Giles Road Widening project in an amount not to exceed \$38,250.00.

PASSED AND APPROVED THIS 20TH DAY OF JANUARY 2026.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk



January 5, 2026

**MIDWEST
RIGHT OF WAY
SERVICES**

City of La Vista, Nebraska

**Giles Road
Widening Project
BNSF Bridge to I-80**

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MIDWEST
R | O | W

PROPOSAL FOR SERVICES

City of La Vista, Nebraska

Giles Road Widening

BNSF Bridge to I-80

Patrick Dowse, PE, City Engineer

City of La Vista

9900 Portal Road

La Vista, Nebraska 68128

PROJECT UNDERSTANDING

This project involves the acquisition of right of way and easements from six (6) parcels of land for the Giles Road Widening Project. The project is located in the area of Giles Road between the BNSF Bridge and I-80 in La Vista, Nebraska.

PROJECT MANAGEMENT

This task will involve management of all project elements to ensure the acquisition process is streamlined, appropriate progress is made, and schedules are met. The project manager will be responsible for the coordination of the title work, appraisals/valuations, and right of way acquisitions.

TITLE SEARCHES

Title searches will be ordered for the properties to be acquired in order to determine fee ownership and any liens and encumbrances which will affect the title. Midwest Right of Way Services will contract with Nebraska Title in Omaha, Nebraska, to provide these services and pass the cost through to the City of La Vista at no additional cost.

APPRAISALS

This task involves the preparation of six (6) appraisal reports which will provide a value for the property to be acquired. Giff Property Services will prepare the appraisal reports for this project. Several of Giff Property Services staff members are approved by the State of Nebraska Department of Transportation to provide appraisal reports for right of way projects. The appraisal reports will be provided to the City of La Vista for their use in determining Just Compensation. Midwest will pass the cost of this service through to the City of La Vista at no additional cost.

ACQUISITION

Midwest Right of Way Services' acquisition agents will make every effort to understand the project's objective before meeting with the property owner. During our initial meeting with the owner our agent will prepare all documents, present and explain the offer, and answer all acquisition-related questions. We will secure signatures from all interested parties through negotiations. Our acquisition agents will obtain tenant information from property owners and proceed to obtain signed a leasehold contract, if applicable. We will negotiate in good faith and keep records of all contacts made.

If necessary, a recommendation for a negotiated settlement will be made to the City of La Vista representatives. When an agreement is reached, we will obtain the necessary signatures of all interested parties. Our goal will be to acquire the necessary property through amicable negotiations. If condemnation is required, we will work with the City of La Vista and its attorney to file the necessary documents and be available to assist with condemnation preparation or court testimony.

ECONOMIC EQUITY AND INCLUSION PROGRAM

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

VETERAN-OWNED BUSINESS

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

TEAM MEMBERS

John Borgmeyer, RWA-GN, Right of Way Agent, is the Vice President for Midwest Right of Way Services, Inc. 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 roadway, airport, drainage, and sewer projects.

Maria Rodriguez, R/W-RAC, Right of Way Agent, is a project manager and has worked for Midwest Right of Way Services since October, 2013. Prior to joining the Midwest team, she performed acquisition negotiations and relocation assistance in Arizona and Nevada since 2006. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects. Maria is fluent in Spanish.

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.

Jim Abbott, Right of Way Agent, has worked for Midwest Right of Way Services since January, 2017. He has performed acquisition negotiations for sewer and roadway projects in Omaha, Lincoln, Sarpy County and Douglas County in Nebraska and roadway projects in 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, SR/WA, Right of Way Agent, has worked for Midwest Right of Way Services since May, 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, has worked Midwest Right of Way Services since 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.

Alexa Cradduck, Right of Way Agent, joined the Midwest Right of Way Services team in January 2023. Alexa received her real estate license in 2024. Her experience includes preparation of right of way documents as well as agreements and contracts for various agencies. She has experience working on state, local and federally funded projects.

PAYMENT FOR SERVICES

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

	Hourly Salary Rates
Project Manager	\$ 150.00
Right of Way Agent	\$ 125.00
Relocation Agent	\$ 125.00
Document Preparation and Administrative Services	\$ 75.00
Mileage at Standard IRS Rate *2025	\$ 0.70

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

Condemnation court testimony and consultation will be billed at our standard hourly rate plus expenses, if needed. Invoices will be sent on a monthly basis for actual services rendered and real expenses incurred. The cost of services was estimated at a maximum fee. Should additional fees and costs be necessary, an amendment to this proposal will be submitted for approval prior to providing ongoing services.

RIGHT OF WAY SERVICES

Project Management	6	Tracts @	\$ 300.00	each =	\$ 1,800.00
Negotiation Services	6	Tracts @	\$ 3,750.00	each =	\$ 22,500.00
Administrative Services	6	Tracts @	\$ 225.00	each =	\$ 1,350.00

Total Right of Way Costs:	\$ 25,650.00
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The pass-through costs will be as follows:

Title Services	6	Reports @	\$ 200.00	each =	\$ 1,200.00
Appraisal Reports	6	Reports @	\$ 1,900.00	each =	\$ 11,400.00

Total Pass-Through Costs:	\$ 12,600.00
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The maximum fee for this project is **\$38,250.00**.

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. Receipt of this letter contract will be considered our formal notice to proceed with the work.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.

A handwritten signature in blue ink, appearing to read "John B".

John E. Borgmeyer
Vice President

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED

Authorized Representative

Date