



LOWER PLATTE SOUTH
 natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581 | P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

MEMORANDUM

Date: April 12, 2024
 To: Lower Platte South Natural Resources District Board of Directors
 From: Will Inselman, Resources Coordinator *WI*
 Subject: Minutes for Recreation, Forestry & Wildlife Subcommittee Meeting

On Tuesday, April 9th, 2024, at 5:32 p.m., the Recreation, Forestry and Wildlife subcommittee met in the Large Conference Room. Subcommittee members present; Christine Lamberty – Chair, Mark Spangler, Seth Hawkins, Don Jacobson, and Ray Stevens. Other attendees were Mike Sousek, David Potter, and Will Inselman.

The first item on the agenda was the consideration of the conservation easement acquisition from the National Audubon Society at the Spring Creek Prairie Audubon Center. Staff discussed that we are at the final phases of acquiring the conservation easement. The easement would provide for a trail easement and conservation easement so that the native property is protected, and a trail would be able to be built for the Prairie Corridor project. The contribution towards the purchase of the conservation easement would be from both the Lower Platte South NRD and the City of Lincoln. The Lower Platte South NRD would pay \$700,000 for the conservation easement and would be reimbursed \$200,000 from the City of Lincoln. The NRD Board passed a resolution in September 2023 to accept their \$200,000 contribution towards this purchase. The conservation easement would be acquired on half of the property, approximately 160 acres. The appraisal represents the value on the entire property. The attached easement deed language was updated to include map documents and is the final draft. This document has been reviewed by NRD and Audubon legal counsel. A public hearing was held on Thursday April 11th and a report will be provided to the Directors.

It was moved by Lamberty, seconded by Stevens and unanimously approved to recommend the Lower Platte South NRD Board of Directors approve the appraised value and authorize District staff to acquire a conservation easement from the National Audubon Society, Inc.

Last on the agenda were staff updates. Reports/updates: Stats from the Backyard Prairie Pollinator Program, final tree seedling sales numbers, finished landowner crossing on Oak Creek Trail, and introduction of new staff.

Meeting adjourned at 6:14 p.m.

PC: RF&W subcommittee file

SECTION I - INTRODUCTION

TITLE PAGE

**APPRAISAL OF:
PROPOSED CONSERVATION EASEMENT
LOCATED IN:
SECTION 34, TOWNSHIP 9, RANGE 5 EAST,
LANCASTER COUNTY, NEBRASKA**

**OWNER: NATIONAL AUDUBON SOCIETY, INC.
PROPERTY TAX PARCEL ID: 03-34-300-001-000 & 03-34-300-002-000**

**PREPARED FOR:
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT
ATTN: MIKE SOUSEK, GENERAL MANAGER
3125 PORTIA STREET
LINCOLN, NE 68521
PHONE: 402-476-2729
EMAIL: MSOUSEK@LPSNRD.ORG**

**PREPARED BY:
JASON L. PICKEREL, MAI
GREAT PLAINS APPRAISAL, INC.
P.O. BOX 6415
LINCOLN, NEBRASKA 68506
PHONE: 402-477-1144
EMAIL: JPICKEREL@GPAPPRAISAL.COM**

GREAT PLAINS FILE NUMBER: 23-0252

EFFECTIVE DATE OF THE ANALYSIS: DECEMBER 13, 2023





Cody Gerdes, MAI
Lori L. Johnson, MAI
Jason L. Pickerel, MAI

LETTER OF TRANSMITTAL

December 19, 2023

Lower Platte South Natural Resources District
Attn: Mike Sousek, General Manager
3125 Portia Street
Lincoln, NE 68521
Phone: 402-476-2729
Email: msousek@lpsnrd.org

RE: Appraisal Report of proposed conservation easement located in:
Section 34, Township 9, Range 5 East, Lancaster County, Nebraska.
Owner: National Audubon Society, Inc.

Dear Mr. Sousek:

As requested, I have inspected the above referenced property and have prepared the attached appraisal report. This report sets forth the valuation premise and data utilized in the value estimate. This report is a complete analysis of the subject property which is reported in an Appraisal Report format.

The subject property includes 310.05 acres of land, exclusive of the public right-of-way, that is currently utilized as grassland purposes.

The Lower Platte South Natural Resources District (LPSNRD) is currently proposing to acquire a conservation easement within the entire subject property which will be subject to contractual terms/agreements.

The after-taking valuation within this report is made under the hypothetical condition that the entire subject property is encumbered by a proposed conservation easement.

The intended use of this report is to estimate the market value of the proposed property rights acquisition. The property rights in association with the proposed conservation easement include only the surface rights associated with the encumbered portion of the subject property. The analysis will consider all property rights associated with the subject property.

Lower Platte South Natural Resources District
December 19, 2023

The impact of the proposed easement on the subject property will be estimated based on a before and after analysis of the subject property. Your attention is directed toward the sections titled *Extraordinary Assumptions*, *Hypothetical Conditions*, and *General Limiting Conditions*, and *Appraiser's Certification*, which address contingencies of the appraisal report. Additional contingencies may be interspersed throughout the report where appropriate. Therefore, the document should be considered in its entirety.

The general conclusions regarding the Fee Simple Estate of the subject property relative to this report are summarized as follows:

Estimated Value Before Taking	\$2,635,000
Estimated Value After Taking	\$1,240,000
Indicated Loss in Value (Damages)	<u>\$1,395,000</u>

Based on the enclosed data and analysis, the estimated market value of the parts taken and damages accrued to the remainder of the overall larger parcel, resulting from the proposed conservation easement, as herein described and analyzed, subject to *Extraordinary Assumptions*, *Hypothetical Conditions*, and *General Limiting Conditions*, as of December 13, 2023, is estimated to be:

ONE MILLION THREE HUNDRED NINETY-FIVE THOUSAND DOLLARS
(\$1,395,000)

Respectfully submitted,



Jason L. Pickerel, MAI
Nebraska Certified General Appraiser
Credential No. CG2013022

CONSERVATION EASEMENT

THIS GRANT OF A CONSERVATION EASEMENT is made by National Audubon Society, Inc., a New York State not-for-profit corporation, hereinafter referred to as “**Audubon**,” to the LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, a political subdivision of the State of Nebraska, with its principal office located at 3125 Portia, Post Office Box 83581, Lincoln, Nebraska 68501, hereinafter referred to as “**District**.”

1. Introductory Statement. This Conservation Easement is made pursuant to and in accordance with the Conservation and Preservation Easements Act, Neb. Rev. Stat. §§ 76-2,111 to 76-2,118 (“**Act**”). District is a natural resources district of the State of Nebraska organized and existing by virtue of Neb. Rev. Stat. §§ 2-3201, et seq. and is qualified and has the authority to hold a conservation easement pursuant to the Act.
2. Easement Area Description. Audubon is the owner in fee simple of 155.84 acres of real property in Lancaster County, Nebraska, hereinafter referred to as the “**Protected Property**.” The Protected Property, shown on Exhibit A, is in a natural, scenic, open, and undeveloped condition, provides unique recreational and educational resources, and contains valuable wildlife habitat, including virgin tallgrass prairie, woodlands, and a riparian stream corridor (the “**Conservation Values**”). The Conservation Values within the Protected Property are of particular importance for resident and migratory birds and other wildlife reliant on diminishing grassland and prairie habitat. The Protected Property shall be subject to the Conservation Easement described in Exhibit A and granted in paragraph 4 below.
3. Purchase Price. District shall pay Audubon for the Conservation Easement the sum of \$700,000.
4. Granting Clause. Audubon hereby gives, grants, and conveys unto District, a perpetual Conservation Easement on the Protected Property, including a 50-foot wide corridor for a Public Access Trail (“**Trail Corridor**”) along the Spring Creek tributary of Haines Branch.

This Conservation Easement shall extend to District’s successors and assigns, provided that this Conservation Easement is assigned or transferred by District to any governmental body or charitable corporation, or trust authorized to hold such Conservation Easement pursuant to the Act and which is capable of carrying out the specific purpose for which the Conservation Easement is granted. Audubon hereby grants to District an estate and interest in the Protected Property of the nature and extent hereinafter described and covenants on behalf of themselves, their heirs, personal representatives, successors and assigns (said covenants, estates and interest to run with the land) with District and its successors and assigns, to do and refrain from doing, severally and collectively upon the Protected Property, the various acts hereinafter specified; it being agreed that such covenants, estates and interest are and will be for the benefit of District and its successors and assigns, to preserve the Conservation Values.

5. District Acceptance. District signifies by the execution hereof the acceptance of the Conservation Easement in the Protected Property, as provided for in the Act. The acceptance by District is conditioned upon the approval of the Conservation Easement by

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the Lincoln-Lancaster County Planning Commission, which is the appropriate governing body with jurisdiction over the Protected Property as provided by the Act. A copy of such approval will be attached hereto as Exhibit B and incorporated herein by this reference when it is received.

6. Justification for Conservation Easement. Audubon and District recognize the natural, ecologic, scenic open space, aesthetic and special character of the region in which the Protected Property is located, and have the common purpose of conserving the important Conservation Values of the Protected Property by the conveyance to District of this Conservation Easement on, over and across the Protected Property, which shall conserve and protect the Conservation Values and will otherwise conserve and prevent the use or development of the Protected Property for any purpose or in any manner which would conflict with the Conservation Values for this and future generations. Audubon and District furthermore recognize the benefit of the regional trail to be constructed within the Trail Corridor for the purpose of providing public access and a future continuous trail connection from the Pioneers Park Nature Center to Audubon's Spring Creek Prairie Audubon Center.

7. Condition of the Protected Property at Time of Grant. The condition of the Protected Property at the time of this grant, including the Conservation Values, is evidenced by reports, photographs, aerial imagery, maps, and scientific documentation possessed by District, as shown in the **Baseline Documentation Report**, attached as Exhibit C.

8. Future Trail. Audubon grants authority to District and its successors and assigns for the future grading and construction of a 10-foot multi-use recreational trail ("**Prairie Trail**") and ancillary trail amenities within the Trail Corridor. It is anticipated that the Prairie Trail will serve as the terminus of the Prairie Corridor Trail on Haines Branch, a regional trail connection and tallgrass prairie corridor between Pioneers Park and the Spring Creek Prairie Audubon Center. Audubon agrees that the Prairie Trail will generally be centered within the Trail Corridor within the Protected Property.

The approximate location of the Trail Corridor is described in Exhibit D. The final alignment of the Trail Corridor shall be determined through mutual agreement of the parties before the commencement of construction of the Prairie Trail based on detailed design and engineering by District and District's partners to determine horizontal and vertical alignment, trail cross-section, and grading. The District agrees to minimize grading and the area of soil disturbance to the greatest extent practicable. When the parties reach agreement on the final alignment of the Trail Corridor, the parties shall amend Exhibit D.

9. Protection and Maintenance of Protected Property.
(a) District has the right to construct and maintain a trail within the Trail Corridor.
(b) Audubon shall maintain and restore the natural resources on the Protected Property. Prairie areas may be managed by burning, grazing, haying, mowing, tree removal, non-native and invasive species removal, and/or seeding with native seed mixes. Herbicide may be used for spot spraying and stump treatment to control undesirable woody and herbaceous plant material. Grazing will only be used as a management tool according to an approved grazing plan as described in section

12(b), if mutually agreed upon in advance in writing by District and Audubon. The woodlands, ponds, and riparian stream corridor may be managed by non-native and invasive species removal and clearing of dead or dying trees.

(c) Audubon shall pay any real estate taxes, estate taxes, or assessments levied by competent authorities on the Protected Property, including but not limited to any tax or assessment affecting the Conservation Easement granted herein. Audubon shall obtain, pay for, and continuously maintain liability insurance covering the use and interest in the Protected Property by Audubon, its heirs, personal representatives, successors and assigns. District shall obtain public liability insurance covering its use and interest in the Protected Property.

(d) Audubon covenants that it is the owner of marketable title to all of the Protected Property and that such property is free and clear of all liens except easements of record, and further warrants that they will defend such Protected Property against the lawful claim of all persons whatsoever. Audubon shall take no action at any time which might restrict, jeopardize, or impair the value of the easement rights granted herein.

(e) Audubon agrees that the terms, conditions, restrictions and purpose of this grant will be inserted by it in all subsequent deeds, or other legal instrument, by which it divests itself of either the fee simple title to or any possessory interest in the Protected Property.

(f) The parties hereto may mutually agree to modify or terminate this Conservation Easement to the extent that modification and termination is consistent with the provisions of Act or any provision of law in effect at the time that such modification or termination is sought. Any modification of this Conservation Easement must be in writing. Audubon and/or District may petition the District Court of the county where the Protected Property is located, in accordance with the Act, to modify or terminate this Conservation Easement if the petitioning party establishes that it is no longer in the public interest to hold the easement or that the easement no longer achieves the conservation or preservation purpose for which it was created.

(g) Each party shall indemnify and hold the other party harmless, including their respective agents, employees, successors, and assigns, against any and all liabilities, claims, or causes of action, including reasonable attorney's fees arising, either directly or indirectly, as a result of the negligent acts or omissions of each party and their respective agents, employees, successors, and assigns.

10. Inspections, Educational Use and Access by District. District is hereby given the right to enter the Protected Property at all reasonable times without consent, after written notice to the Director of the Spring Creek Prairie Audubon Center or their designee, for the purpose of trail maintenance within the Trail Corridor and for the purpose of inspecting the Protected Property to determine if Audubon is in compliance with this Conservation Easement. District shall inspect the Protected Property and file a report on an annual basis, a copy of which shall be furnished to Audubon. District shall maintain a publicly available file of such reports.

11. Use Restrictions. This Conservation Easement shall specifically prohibit the following uses and practices, although it is acknowledged that this is not an exhaustive

recital of the uses and practices that are inconsistent with the purpose of this Conservation Easement:

- (a) Construction or placing of buildings, camping accommodations, or mobile homes, signs (other than interpretive or directional signage), billboards or other advertising materials, or any other structure, except buildings and other structures necessary to carry out and to enhance Audubon's mission, including educational or public use amenities to be constructed at some future date. The location of such improvements shall be mutually agreed upon by Audubon and the District. Parking shall be limited to the areas immediately adjacent to buildings. Notwithstanding the above, the construction of a trail as provided for in Section 8 of this Conservation Easement and the placement of signs by the District.
- (b) The removal, destruction or degradation of prairie or riparian habitat or plant materials, including grasslands and trees, except as provided for in Sections 8, 11(a) and 12 of this Conservation Easement.
- (c) Changing the topography anywhere on the Protected Property, or placement of fill material in the drainage ways, riparian areas, except as provided for in Sections 8 or 11(a) of this Conservation Easement.
- (d) Mining removal of topsoil, sand gravel, rock minerals, or other materials.
- (e) Dumping of ashes, trash, garbage, or other unsightly or offensive material.
- (f) Residential, commercial, or industrial development of any nature.
- (g) Holding or feeding of livestock, except as provided for in Section 9 of this Conservation Easement.
- (h) Operation of motorized vehicles that are not used for maintenance, repair, management, care of livestock or care of the Protected Property.
- (i) The cultivation, planting, or drilling of row crops, small grains and forages, vegetables, fruits, sod or any other horticultural or agricultural crops.
- (j) Any other act in the reasonable opinion of District would be detrimental to the wildlife habitat, natural resources or scenic beauty of the Protected Property.

12. Uses and Practices Allowed. This Conservation Easement shall confine the use of the Protected Property to activities that are consistent with the purposes for which the Conservation Easement was granted. The following uses and practices, although not an exhaustive recital of consistent uses and practices, are consistent with this Conservation Easement and these practices may not be precluded, prevented, or limited except by mutual written consent of the parties. Audubon, its heirs, personal representatives, successors, and assigns are allowed to:

- (a) Hay the prairie areas on the Protected Property more than per year with prior approval from the District.
- (b) Graze the prairie areas on the Protected Property with ungulates at a stocking rate and duration consistent with university research guidelines based on the range condition of the Protected Property at the time it is grazed, if approved in advance in writing by District.
- (c) Construct, maintain, replace, or repair fences for the management of grazing livestock on the Protected Property.
- (d) Construct, maintain, replace or repair livestock watering facilities from the ground or surface water sources. Construction of surface water impoundments to water livestock must have prior written approval by the District.

- (e) Construct and maintain a pathway across the trail ("Private Crossing") to allow for the east-west movement of people and equipment, subject to the following terms and limitations:
 - i. The location and design of the Private Crossing shall be approved by District;
 - ii. Any construction of the Private Crossing shall be coordinated with District, and Audubon shall not block the trail by the construction of the Private Crossing without District's express approval. Any subsequent construction, repair or maintenance of the Private Crossing may only be accomplished after obtaining the prior written consent and approval of District, which approval shall not be unreasonably withheld.
 - iii. Audubon shall pay all expenses incurred in the construction, repair, and maintenance of the Private Crossing, including, but not limited to, needed grading, gates in boundary fence and any necessary drainage pipes.
 - iv. Audubon shall only use the Private Crossing during dry conditions to avoid trail damage.
 - v. Audubon and all persons crossing the trail by use of the Private Crossing shall yield the right-of-way to all trail users and avoid use of the Private Crossing during permitted trail events.
 - vi. Audubon shall indemnify District against all suits, claims, liabilities, expenses, and damages that District may suffer or incur by reason of Audubon's construction, use, or maintenance of the Private Crossing. Audubon also shall indemnify District against any loss, cost, or damage that District or any person may suffer or sustain that is proximately caused by an individual's use of the Private Crossing and against all judgments that any person may recover from District by reason of any such loss or damage.
- (f) Construct a bridge or other means to move staff and equipment across the creek, if approved in advance in writing by District.
- (g) Harvest timber in the woodlands and riparian stream corridor according to an approved forestry management plan, if approved in advance by District.
- (h) Access the Protected Property for passive recreation uses such as walking, birding, and enjoyment of habitat and wildlife.
- (i) Use the property for scientific research, habitat restoration, and educational activities, as part of and in accordance with the practices of the Spring Creek Prairie Audubon Center and similar nature centers.

13. Release of Easement. This Conservation Easement may be released by District, upon the approval of the governing body which approved the easement, and a finding by such body that the Conservation Easement no longer substantially achieves the conservation purpose for which it was created, in accordance with the Act, or as authorized by any other provision of law in effect at the time such release is sought.

14. Enforcement. Audubon agrees that:

- (a) District may enforce the provisions of this Conservation Easement by any proceedings at law or in equity, including but not limited to, the right to require restoration of the Protected Property to the condition at the time of this grant except as provided for herein.

(b) District may seek an injunction restraining any person from violating the terms of this Conservation Easement without the posting of any bond whatsoever.

(c) District does not waive or forfeit the right to take any action as it deems necessary to insure compliance with the covenants and purposes of this grant by any prior failure to act.

(d) If Audubon undertakes any activity requiring the approval of District without or in advance of securing such approval, or undertake any activity in violation of the terms of this Conservation Easement, that District shall have the right to enforce the restoration of that portion of the Protected Property affected by such activity to the condition that existed prior to the undertaking of such unauthorized activity. In such case, the cost of such restoration and District's cost of suit, including reasonable attorneys fees, shall be paid by Audubon, or in the event that District secures redress without a completed judicial proceeding, or those who are otherwise determined to be responsible for the unauthorized activity. Nothing herein contained shall be construed to preclude Audubon from exhausting its legal remedies in determining whether the proposed activity to which District has objected is inconsistent with this Conservation Easement.

15. Binding Effect. The covenants agreed to and the terms, conditions, restrictions and purposes imposed with this grant shall be binding upon Audubon, its successors or assigns and all other successors to them in interest and shall continue as a servitude running in perpetuity with the Protected Property. The covenants shall also bind District and its successors and assigns.

16. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of the Conservation Easement and the application of such provisions to persons or circumstances other than those to which it is found to be invalid shall not be affected thereby.

17. Right of First Refusal. If Audubon or its heirs, successors, or assigns decide to sell the Protected Property, it shall notify District in writing of its desire to sell the Protected Property at its then presently appraised value (the "Notice"). District shall have the right of first refusal to purchase the Protected Property and shall notify Audubon or its heirs, successors, or assigns in writing within 45 days of the receipt of the Notice whether District desires to purchase the Protected Property. If District does not respond to the Notice within 45 days from receipt, the Right of First Refusal shall automatically terminate, unless Audubon or its heirs, successors, or assigns extend in writing the time for responding to the Notice.

IN WITNESS WHEREOF, the undersigned has executed this Conservation Easement on this _____ day of _____, 2024.

National Audubon Society, Inc.

By:

ACKNOWLEDGEMENT

STATE OF NEW YORK :
 : **SS**
COUNTY OF NEW YORK :

On the _____ day of _____ in the year 20____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the _____ of the National Audubon Society, Inc. and the individual whose name is subscribed to the within instrument, and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of New York
No. _____
Qualified in _____ County
My Commission Expires: _____

ACCEPTANCE

The above Conservation Easement is hereby accepted by the Lower Platte South Natural Resources District, "District" herein, on this _____ day of _____, 2024.

**LOWER PLATTE SOUTH NATURAL
RESOURCES DISTRICT**, a political
subdivision of the state of Nebraska,

By: _____
Mike Sousek
General Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

On this ____ day of _____, 2024, before me a Notary Public in and for said county and state, personally came Mike Sousek, General Manager of the Lower Platte South Natural Resources District, known to be the identical person whose name is affixed to the above Conservation Easement and acknowledged the execution of the same to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

Exhibit A

Audubon Spring Creek Conservation Easement - SW S34, T9N-R5E



Map Created: January 2024 - LPSNRD, sdr

Edited by BV 4/14/2015 Revision 2

Exhibit B



PLANNING
555 South 10th Street, Suite 213 | Lincoln, NE 68508
402-441-7491 | F: 402-441-6377 | plan@lincoln.ne.gov



March 15, 2024

National Audubon Society Inc
225 Varick Street
New York, NY 10014

RE: Comprehensive Plan Conformance 24001 – to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a request for a permanent conservation easement from the National Audubon Society to the Lower Platte South Natural Resources District, to preserve, protect and maintain a corridor of native tallgrass prairie, woodlands, and riparian corridor (SW 98th and Kolbrook Road)

Property Owner,

On March 13, 2024, the above-referenced application was removed from the Lincoln-Lancaster County Planning Commission Consent Agenda for public hearing. The Lincoln-Lancaster County Planning Commission voted 5-0 (Ball, Campbell, Ebert, and Feit absent) to find Comprehensive Plan Conference 24001 to be in Conformance with the Comprehensive Plan.

The Planning Commission action is a recommendation to the Lower Platte South Natural Resources District.

All information regarding the above-referenced application is available in the Planning Department or can be accessed on the internet at www.lincoln.ne.gov (search for "PATS"). Click on "Planning Application Tracking Service (PATS)" at the top of the page, click "Selection Screen" under "PATS Tools" on the right side of the screen, type in the application number (i.e., CPC24001), click on "Search", then "Select", and go to "Related Documents".

Please feel free to contact me if you have any questions or need additional information (402-441-6363) or plan@lincoln.ne.gov.

Sincerely,

A handwritten signature in blue ink that reads "Shelli Reid".

Shelli Reid
Administrative Officer

f:\boards\pc\notiflaction letters\2023-24\act031324

cc: Terry Kathe, B&S Dept.
Andrew Thierolf, Planning Department
Will Inselman, Lower Platte South NRD

Tim Sieh, City Attorney's Office
Sara Hartzell, Parks & Recreation Dept.
Adam Hintz

Exhibit C

**CONSERVATION EASEMENT BASELINE DOCUMENTATION
& Acknowledgment of Property Condition**

Date Baseline Complete: April 11, 2024

Easement Name: Spring Creek Prairie Audubon Center Property Conservation Easement
Parcel Location: Lot 17 and 18, I.T. located in the SW Quarter of Section 34-9-5, Lancaster County, Nebraska.
Road Address: 9301 Kolbrook RD
City/Town: Denton **County:** Lancaster **Zip:** 68339

Current Landowner(s) (Easement Grantor/Donor): National Audubon Society Inc
Address(es): 225 Varick Street, New York, NY 10014
Phone: 212-979-3108

Easement Holder/Grantee: Lower Platte South Natural Resources District
Address: 3125 Portia Street, PO Box 83581, Lincoln, NE 68501
Phone: 402-476-2729

Method of Acquisition: Gift Purchase Bargain Sale Bequest Other
Explain:

Total Easement Acreage: 155.84

Ownership Deed:

Book #/Page #(s) 2016009478

Tax Map #/Lot #(s) 0334300001000 _____

List approximate acreage or percentage of natural features:

Forest	<u>38</u>	Natural Pond or Lake	_____
Hay Field/Pasture	<u>118</u>	Man-Made Pond	_____
Cultivated Field	_____	Bog	_____
Wetlands	_____	Stream or River	_____
Other (specify)	_____	Ledge/rock outcrop	_____

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Property Access: (Take photo and describe access to the easement)

Maintained Public Road Un-maintained Public Road Private Road

Via legal R-O-W from: Public Road Private Road Water

Permitted recreational activities:

Hiking/walking Hunting Snowmobiling
 Horseback Riding None

Other _____

Frontage on the easement (in feet) of the following items:

4730 Maintained Public Road _____ Un-maintained Public Road
_____ Private Road _____ Pond _____ Lake _____ River

Survey Boundaries:

Date Surveyed: April 16, 2023_
Corner monuments/pins found: Yes **No** signage located
for markers however none were located

Describe the property condition: include land use and management. Describe the condition and locations of current and future agricultural/forestry and recreational uses of the property (i.e.: crop grown, pasture/grass land and condition, critical nesting habitat, irrigation or rights, Heavy use areas, tilled croplands, hiking trails, waste storage, conservation practices, animal inventory, animal waste storage and handling etc).

The approximately 160-acre conservation easement on the Spring Creek Prairie property was granted by the National Audubon Society, Inc. The intent of the easement is to protect the recreational, aesthetic, and ecological value of this property.

The property was recently acquired by Audubon to expand their preexisting Spring Creek Prairie Property for the purposes of grassland conservation. Similarly, the property ties into the proposed Prairie Corridor project trail, of which Spring Creek Prairie is the terminus. The property is a critical piece of the puzzle for this recreational trail to the City of Lincoln's Pioneers Park.

This land is an important grassland of significance one, because of its large intact virgin tallgrass prairie, one of the most endangered ecosystems in the world. Additionally the property exhibits habitat for breeding, nesting and resident grassland birds which are the fastest declining suite of birds in the world. The property's natural riparian corridor along Spring Creek provides a diversity of habitats for many wildlife species including great horned owl, long-eared owl, eastern screech owl, barred owls, red tailed hawks, field sparrows, woodpeckers, orioles, thrashers, and others.

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The current condition of the property is predominantly rolling grassland characterized as fair and displays the results of long-term, season long heavy grazing as well as lack of prescribed fire and other key grassland management. Additionally portions of the property have encroachment by eastern red cedars and other woody invasive/less desirable species. Uplands of the property are characterized by tallgrass prairie grasses and forbs; observed species include big and little bluestem, Indian grass, side oats grama, hoary vervain, leadplant, purple coneflowers, variety of milkweed species among others. The riparian woodland area is characterized by mature cottonwoods, oak and hackberry and includes red cedars and locust trees through portions of the property.

Tree removal has been completed on portions of the upland and riparian corridors. The spring-fed creek that bisects the property running from south to north has been used for livestock watering at points in the past but appears largely to have good water quality at this point, characterized by alluvial fans with diverse plant and fungi species.

List buildings or structures on property: include houses, sheds, barns, docks, man-made ponds, utilities, etc. List dimensions and purpose, and provide location on attached map.

There currently exists one shed structure approximately 25' X 50' that is still in usable condition. There are also remnants of the original home structure and power poles. This generally area may serve as a kiosk, parking area for Spring Creek Audubon Center to hold events or allow public access to the property. This area is identified on the easement map as a "homesite".

Interior fences: No functional interior fences are in place. Remnants of past cross fencing on portions of the upland, deer feeding stations and livestock paddocks in the homesite area.

Description of unusual ecological, historical, or geological features. Example: Rare or unusual plant species, ecological communities, critical habitats or wildlife. (optional)

Natural Resources

This property is located on the western edge of Lancaster County, approximately 2.5 miles south of the city of Denton, Nebraska. It resides within the tallgrass ecoregion, containing one of the most imperiled ecosystems in the world. The loss of virgin tallgrass prairie is nearly 99%, further making a case of the need to preserve such an important tract of land. The property contains a diverse suite of habitat from a riparian corridor containing Spring Creek, virgin prairie, and wetland habitat. Thus, this provides habitat to a suite of birds and mammals. Wildlife surveys have been conducted on site to assess wildlife use. Owl surveys were conducted this winter and more focused and intensive bird surveys planned to begin in April and continue seasonally. Nonstructured botanical surveys were also completed by Spring Creek Prairie staff and Nebraska Game and Parks botanist to provide an initial floral assessment of the property. A formal full botanical survey will be conducted during the growing season by a professional botanist.

Edited by BV 4/14/2015 Revision 2

Wildlife

The diversity of habitats on the property gives way to many wildlife species. Deer and turkey are frequently observed game animals, along with various meso-carnivores such as coyotes, foxes, bobcats and raccoons. The mix of woodland and grassland habitats provides refuge to many bird species during the nesting and migration period. Grassland birds are the fastest declining suite of birds in the world so this property provides critical habitat for breeding, nesting, migration and residence. Additionally, it is likely that regal fritillary butterflies utilize the prairie as well. A woodhouse toad and prairie wolf spiders were also observed.

This area is also host to at-risk species listed in the Nebraska Natural Legacy Plan and will be incorporated into the existing Nebraska Natural Legacy Plan Demonstration site at Spring Creek Prairie.

Plants

Uplands of the property are characterized by tallgrass prairie grasses and forbs; observed species include big and little bluestem, Indian grass, side oats grama, hoary vervain, leadplant, coneflowers, liatris, pitcher sage, large flowered gaura, white prairie clover, native thistles, iron weed, purple poppy mallow, yarrow, scurf pea, asters, and a variety of milkweed species among others. The riparian woodland area is characterized by mature cottonwoods, oak and hackberry and includes red cedars and locust trees through portions of the property.

Water Resources

Near the homesite area there is an earthen dam that no longer holds water but is adjacent to Spring Creek and looks like it can be repaired to hold water in the future if necessary. As mentioned previously the property is bisected by a spring-fed creek and riparian area.

Scenic Views

Due to the hilly topography of this tract lying adjacent to Spring Creek, the property holds many scenic views overlooking this watershed. To the north-northeast, downtown Lincoln and the state capitol are visible. This area is one of the taller sites in Lancaster County

Property Photos:



Looking west along the south boundary of the SW $\frac{1}{4}$. (photo by Marily Tabor, February 2023)



Looking north from the south boundary of the property across the SW $\frac{1}{4}$. (2) Photos taken February 12, 2023 by the Marilyn Tabor, Appraiser.



Looking east from the south boundary across the SW $\frac{1}{4}$. (3) Photos taken February 12, 2023 by the Marilyn Tabor, Appraiser.



Spring Creek looking north from the west bank on the furthest south point of the creek in the SW $\frac{1}{4}$. (4) Photos taken February 12, 2023 by the Marilyn Tabor, Appraiser.



Looking north from the east side of Spring Creek from the furthest south point of the creek in the SW $\frac{1}{4}$. (5) Photos taken February 12, 2023 by the Marilyn Tabor, Appraiser.



Looking east along the south boundary of the property in the SW $\frac{1}{4}$ on the east side of Spring Creek. (6) Photos taken July 15, 2022 by the Marilyn Tabor, Appraiser.



Looking south along the west side of Spring Creek on Kolbrook Road. (13) Photos taken April 16, 2023 by the Marilyn Tabor, Appraiser



Looking east from the northwest corner of the property along Kolbrook Road, the north boundary. (14) Photos taken February 12, 2023 by the Marilyn Tabor, Appraiser



Looking south along SW 98th Street, the west boundary, from the northwest corner of the subject. (15) Photos taken April 16, 2023 by the Marilyn Tabor, Appraiser



Looking NW from east edge of parcel. Photo by Brady Karg, SCPAC, August 15, 2023



Looking SE from an alluvial fan in the woodland area. Photo by Brady Karg, SCPAC, August 15, 2023.



Looking north at Spring Creek. Photo by Brady Karg, August 15, 2023.

Exhibit D

Audubon Spring Creek - Proposed Trail Corridor Alignment



Map Created: January 2024 - LPSNRD, sdr

March 15, 2024

National Audubon Society Inc
225 Varick Street
New York, NY 10014

RE: Comprehensive Plan Conformance 24001 – to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a request for a permanent conservation easement from the National Audubon Society to the Lower Platte South Natural Resources District, to preserve, protect and maintain a corridor of native tallgrass prairie, woodlands, and riparian corridor (SW 98th and Kolbrook Road)

Property Owner,

On March 13, 2024, the above-referenced application was removed from the Lincoln-Lancaster County Planning Commission Consent Agenda for public hearing. The Lincoln-Lancaster County Planning Commission voted 5-0 (Ball, Campbell, Ebert, and Feit absent) to find Comprehensive Plan Conference 24001 to be in Conformance with the Comprehensive Plan.

The Planning Commission action is a recommendation to the Lower Platte South Natural Resources District.

All information regarding the above-referenced application is available in the Planning Department or can be accessed on the internet at www.lincoln.ne.gov (search for "PATS"). Click on "Planning Application Tracking Service (PATS)" at the top of the page, click "Selection Screen" under "PATS Tools" on the right side of the screen, type in the application number (i.e., CPC24001), click on "Search", then "Select", and go to "Related Documents".

Please feel free to contact me if you have any questions or need additional information (402-441-6363) or plan@lincoln.ne.gov.

Sincerely,



Shelli Reid
Administrative Officer

f:\boards\pc\notifaction letters\2023-24\act031324

cc: Terry Kathe, B&S Dept.
Andrew Thierolf, Planning Department
Will Inselman, Lower Platte South NRD

Tim Sieh, City Attorney's Office
Sara Hartzell, Parks & Recreation Dept.
Adam Hintz