# MINUTES
# LANCASTER COUNTY BOARD OF COMMISSIONERS
# TUESDAY, NOVEMBER 15, 2022 AT 9:00 AM
# COUNTY-CITY BUILDING, ROOM 112

## COMMISSIONERS: Deb Schorr, Chair; Christa Yoakum, Vice Chair; Roma Amundson, Sean Flowerday; and Rick Vest

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County Nebraska website, emailed to the media on November 10, 2022 and published in the Lincoln Journal Star print and digital editions on November 11, 2022.*

Commissioners present: Deb Schorr, Chair; Christa Yoakum, Vice Chair; Roma Amundson and Sean Flowerday

Commissioners absent: Rick Vest

Others present: Dave Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; Candace Berens and John Ward, Deputy County Attorneys; Cori Beattie, Deputy County Clerk; Leslie Brestel and Meggan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:04 a.m., and the location of the Nebraska Open Meetings Act was announced.

**1) MINUTES**

**A.** Approval of the minutes of the Board of Commissioners meeting held on November 8, 2022.

**MOTION:** Yoakum moved and Amundson seconded approval of the minutes. Amundson, Yoakum, Flowerday and Schorr voted yes. Vest was absent. Motion carried 4-0.

**2) CLAIMS**

**A.** Approval of the claims processed through November 15, 2022.

**MOTION:** Yoakum moved and Amundson seconded approval of the claims. Flowerday, Amundson, Yoakum and Schorr voted yes. Vest was absent. Motion carried 4-0.

**B.** Approval of a claim to the Clyde Malone Community Center in the amount of $2,565. (Batch No. 286187-188, Document No. 783679-680)

**MOTION:** Amundson moved and Flowerday seconded approval of the claim. Yoakum, Flowerday, Amundson and Schorr voted yes. Vest was absent. Motion carried 4-0.

**3) 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.** Amendment to County contract C-21-0724 with Vigilant Solutions, LLC for mobile license plate reader system and software licenses. (Sole Source No. SS-160. The amendment renews the contract for an additional one (1) year term beginning January 2, 2023 and ends January 1, 2024. The cost to the County is not to exceed $25,000.) (C-22-0867)

Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU) of Nebraska, expressed concerns with amending the contract with Vigilant Solutions, LLC for another year. Eickholt referenced news articles relating to license plate readers and a settlement with Google that were emailed to the Board of Commissioners on November 15, 2022 (Exhibit 1). Eickholt strongly encouraged the Board not to extend the Vigilant contract without further information on how the information received would benefit Lancaster County.

**MOTION:** Flowerday moved and Amundson seconded to remove item 3A from Consent Items. Amundson, Yoakum, Flowerday and Schorr voted yes. Vest was absent. Motion carried 4-0.

**B.** Right-of-way contract with Gary J. & Carol M. Masek, Northwest 56th Street and West Rock Creek Road, in the amount of $775. (Project 23-29 / C-063) (C-22-0866)

**MOTION:** Flowerday moved and Amundson seconded approval of Item 3B. Amundson, Yoakum, Flowerday and Schorr voted yes. Vest was absent. Motion carried 4-0.

Schorr suggested that Item 3A be further discussed be held with the County Sheriff's and County Attorney's Offices at a Thursday staff meeting.

Flowerday questioned the retention schedule of the information collected under the original Vigilant Solutions contract. John Ward, Deputy County Attorney, stated the contract follows the License Plate Reader Privacy Act and the amendment does not change these obligations but he would have to review the contract's specific retention requirements. He added the Sheriff's Office does follow State retention schedules.

**MOTION:** Flowerday moved and Amundson seconded to postpone Item 3A until November 22, 2022. Flowerday, Amundson, Yoakum and Schorr voted yes. Vest was absent. Motion carried 4-0.

## 4) OLD BUSINESS

**A.** Resolution in the matter of amending Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS). (R-22-0083)

Flowerday stated the Health Department has requested additional time to review this item.

**MOTION:** Flowerday moved and Yoakum seconded to postpone Item 4A until December 13, 2022. Amundson, Yoakum, Flowerday and Schorr voted yes. Vest was absent. Motion carried 4-0.

## 5) PUBLIC HEARING

**A.** Vacation of the right-of-way of Southwest 86th Street between West Saltillo Road and West Bennet Road in Lancaster County.

The Chair opened the public hearing.

Candace Berens, Deputy County Attorney, was administered the oath. Berens presented a picture (Exhibit 2) and a map (Exhibit 3) of the location, as well as a copy of County Resolution R-08-0102 (Exhibit 4) and a map of the titled right-of-way (Exhibit 5). She stated Lancaster County previously vacated Southwest 86th Street but retained rights to the right-of-way. A condition was included allowing landowners to place fences at the end of the street to prohibit public travel. Berens also presented a picture of the current condition of the fence (Exhibit 6). It was noted that the landowners agreed to assume all liability of the property and Lancaster County would not be responsible for maintaining the road. All conditions were filed with the Register of Deeds Office.

Berens stated the current request before the Board is to vacate the right-of-way and easements of Southwest 86th Street and revert ownership to the adjacent landowners. She presented a report from County Engineering (Exhibit 7) which notes there are drainage structures on the property but upon approval of the road vacation, the County would relinquish these structures to the adjacent landowners. She presented an email (Exhibit 8)

from the Lincoln-Lancaster County Planning Department which did not include any objection to the vacation. A copy of Planning's previous report is attached to County Resolution R-08-0102. Letters regarding the public hearing were mailed to adjacent landowners (Exhibit 9) and a copy of a 2004 warranty deed was also presented (Exhibit 10).

Schorr questioned why the County retained the right-of-way in 2008. Berens thought it was retained in case of an emergency.

No one appeared to testify in opposition or in a neutral position.

The Chair closed the public hearing.

**NOTE:** Action on this item will take place at the November 22, 2022 Board of Commissioners meeting.

**6) <u>NEW BUSINESS</u>**

**A.** Resolution in the matter of a request to vacate the East-West alley between Lincoln Street and Showers Street, Block 8, Cheney, Lancaster County, Nebraska. (R-22-0112)

**MOTION:** Amundson moved and Yoakum seconded approval of the resolution. Flowerday, Amundson, Yoakum and Schorr voted yes. Vest was absent. Motion carried 4-0.

**B.** Resolution in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. (R-22-0113)

**MOTION:** Amundson moved and Flowerday seconded approval of the resolution. Yoakum, Flowerday, Amundson and Schorr voted yes. Vest was absent. Motion carried 4-0.

**C.** Agreement for the Lancaster County Department of Corrections to participate in a Department of Defense Career Skills Program with Army Specialist Preston Saccone. There is no cost to the County. (C-22-0865)

Brad Johnson, Corrections Director, stated an Army Specialist has requested to job shadow personnel at the Department of Corrections prior to being discharged from the Army after which time he could apply for a full-time position. He felt this would be a great opportunity to find new hires.

**MOTION:** Flowerday moved and Amundson seconded approval of the agreement. Amundson, Yoakum, Flowerday and Schorr voted yes. Vest was absent. Motion carried 4-0.

**D.** Recommendation from the Southeast Nebraska Development District (SENDD) to award a contract through the Lancaster County Owner Occupied Rehabilitation Housing Program (20-HO-001-LCRF) for Project #014 to Comfort Techs in the amount of $2,200 to remove and replace a unit in the home to provide heating and cooling.

Ryan Bauman, Southeast Nebraska Development District (SENDD), stated this project would assist a homeowner who has not had heat for about a month. He presented copies of the recommendation and bid results (Exhibit 11).

**MOTION:** Flowerday moved and Yoakum seconded approval of the recommendation.

In response to Schorr's inquiry, Bauman stated the property is in Bennet, Nebraska. He added due to staff changes, SENDD is handling only emergencies this winter.

**ROLL CALL:** Amundson, Yoakum, Flowerday and Schorr voted yes. Vest was absent. Motion carried 4-0.

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

No one appeared for public comment.

**8) ANNOUNCEMENTS**

**A.** The Lancaster County Board of Commissioners will attend a Tri-County meeting with Douglas and Sarpy Counties on Wednesday, November 16, 2022 at 9:00 a.m. at Werner Park in Papillion (Jack Daniels Club, 12356 Ballpark Way).

**B.** The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 17, 2022 at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).

**C.** The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, November 22, 2022, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).

**D.** County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

**E.** The Lancaster County Board of Commissioners meeting is broadcast live on LNKTV (LNKTV.lincoln.ne.gov). LNKTV is available on Allo channel 2 and Spectrum channel 1300. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTV). Meetings are also streamed live on YouTube and Facebook (YouTube.com/LNKTVcity and Facebook.com/lancasterne). LNKTV apps are also available on Roku, Apple TV and Amazon Fire TV.

**9) ADJOURNMENT**

**MOTION:** Amundson moved and Yoakum seconded to adjourn at 9:32 a.m. Flowerday, Amundson, Yoakum and Schorr voted yes. Vest was absent. Motion carried 4-0.

Dan Nolte
Lancaster County Clerk

EXHIBIT
tabbies
1



EDITOR'S PICK | TOPICAL | ALERT | TOP STORY

# License plate readers remain subject of controversy, confusion in Nebraska despite law

**Andrew Wegley**
Sep 11, 2022



An automatic license plate reader mounted on the grille guard of a Lancaster County Sheriff's Office cruiser.
JUSTIN WAN, Journal Star

Andrew Wegley

Lancaster County Sheriff's deputies patrolling Interstate 80 on Sept. 1 pulled over a GMC Acadia that was linked to a Grand Island fraud case earlier in the day — occupied by four Los Angeles residents who had allegedly used a stolen credit

card and ran up a five-figure bill at a Best Buy in the central Nebraska city.

When the four people left the store, they headed east on Interstate 80, passing through Hamilton, York and Seward counties before they reached Lancaster County, where deputies — who had their eyes peeled for the SUV after a heads-up from Grand Island police — stopped the GMC for an alleged traffic violation, Chief Deputy Ben Houchin said.

The four suspects were taken to the county jail. Investigators recovered thousands in cash and fraudulently purchased merchandise. And Houchin touted the arrests at a media briefing the next morning.



An automatic license plate reader mounted on the grille guard of a Lancaster County Sheriff's Office cruiser is tied in with a network of data maintained by Vigilant Solutions, the software developer owned by Motorola that provides the plate readers to law enforcement agencies across the country.

JUSTIN WAN, Journal Star


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"It was a very good catch," he said then. "I know Grand Island's very happy because it would've been very difficult, if we hadn't got them at that time, for them to identify everybody and figure out who it was."

What Houchin did not say is that deputies used automatic license plate readers to track the GMC, which passed a Seward County cruiser equipped with a plate reader not long before it neared mile marker 395, where Lancaster County deputies stopped

the vehicle.

A Best Buy employee had noted the GMC's plate number before the four suspects left the Grand Island store and passed it along to local police, who entered it into a lookout system for the interstate, said Blake Swicord, the Federal Homeland Security Task Force Commander who oversees I-80 interdictions in Seward County.

A plate reader attached to a Seward County cruiser pinged the GMC as it drove along the interstate, Swicord said. The deputy in the cruiser called the sheriff's office in Lancaster County, where authorities found and stopped the SUV.

"That absolutely would not have happened if the tag readers were not in operational use," Swicord said.

Houchin did not mention the use of automatic plate readers in that case because he believes he cannot mention the use of plate readers in any case, according to the sheriff's office's interpretation of the Automatic License Plate Reader Privacy Act, the law that governs law enforcement's use of the controversial devices.

Championed by Sen. Matt Hansen of Lincoln and the ACLU of Nebraska, and signed into law by Gov. Pete Ricketts in February 2018, **the privacy act** limits how long law enforcement can retain images captured by the plate readers, which take photos of passing license plates, store the data for up to six months and have been touted by law enforcement and tech developers as a game-changing crime-solving tool.

The readers only capture still images of license plates, which are then stored by a third-party contractor — Motorola, in Lancaster County — for six months under Nebraska law. Police can flag images of specific plates as investigatory to prevent them from being erased after the 180-day time frame.

But the law — and the license plate readers themselves — are subjects of controversy and confusion in Nebraska, where **an attempt to install automatic plate readers in Omaha last month was rebuffed** over privacy concerns. Six law enforcement agencies in the state already use the technology.

"It's the second-worst (plate reader) bill for public safety in the United States," said Jason Mayo, a criminal interdiction task force sergeant at the Lancaster County Sheriff's Office, which first deployed readers in 2018 after the bill became law.

"That's because the ACLU drafted that bill. One hundred percent, it was drafted by them, through Sen. Matt Hansen," he added. "I've read through it and I've ran this (plate reader system) for five years, and I still don't know what it means. I've had attorneys from the state, from federal entities, from our office — everyone look at it and go, 'This is nonsensical. We don't know what it means.'"



Ben Houchin

Courtesy photo

Among the sheriff office's qualms with the bill, introduced as LB93, is language it says prohibits officers from disclosing the use of the plate readers in criminal investigations or in court settings, both Mayo and Houchin said.

That interpretation — contested by the ACLU — has kept deputies from mentioning the use of plate readers in arrest affidavits to be used in prosecutions, leaving no public record linking the use of plate readers to specific arrests.

"The idea that Mayo says, 'Well, we're not gonna put it in a probable cause affidavit because we can't' is nonsense," said Spike Eickholt, the ACLU of Nebraska's lobbyist who also disputed Mayo's claim that ACLU of Nebraska drafted the privacy act.

"If they're using this as a part of a criminal investigation, the law allows it," he said. "This was a thoughtful bill that did strike that balance. And, thankfully, we have it. Because, otherwise, it'd be anything goes. I mean, the cities could do whatever they wanted to do and there wouldn't be (a limit) at all."

The law's language surrounding disclosure is muddled.

The act dictates that no captured plate data or evidence derived from the data can be disclosed as evidence in a court setting, "if the disclosure of that information would be in violation of the Automatic License Plate Reader Privacy Act." But it's unclear when such a disclosure would violate the law, or if the act actually prohibits law enforcement from noting the use of license plate readers in public records.

The secrecy surrounding law enforcement's use of plate readers only adds to the inherent angst that opponents of the devices have expressed since their introduction in Nebraska.

When the initial draft of the privacy act was first heard before a legislative committee in January 2016, Hansen warned that the readers could be used to "compile an extensive list of where citizens go, and that could be used to re-create their day-to-day habits," pointing to cases in Boston and Canada where police had either abused the technology or mishandled the data collected.

Both Houchin and Mayo dismissed such concerns, pointing to the "checks and balances" instituted by both internal policies and the 2018 law while touting the crime-solving benefits the technology provides.

"I know a lot of people believe that you get all this information when they (drive) by, that, 'Oh, you'll know who I am, where I live and what I'm doing and all this stuff,' but it's just not true," Houchin said.

**Nebraska senator leads support for immigration reform by state legislatures**

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The privacy act placed broad restrictions on when law enforcement can search for a specific license plate, allowing police to seek plates connected to outstanding traffic or parking violations, vehicle registration violations, stolen vehicles, missing or endangered people, people with outstanding warrants or "a vehicle that is relevant ... to an ongoing criminal investigation."

Despite those wide statutory limitations, Houchin and Mayo — and Swicord in Seward County — all insisted their agencies used the systems sparingly and responsibly, pointing to the arrests of suspects in sex-trafficking cases, homicides and other felonies.

None of the four people arrested in the Grand Island fraud case were charged with felonies in Lancaster County, though Houchin said he expected they would be when he announced their arrest.

"You need a doggone good reason why you need to be on it," Houchin said of the plate reader system, which can be accessed by about a dozen of the sheriff office's 84 sworn deputies.

Though he acknowledged the public safety value of plate readers and said the state's law enforcement officials were largely well-intended, Eickholt is not convinced of the technology's worth, nor of law enforcement's ardent defense of its use.

"The idea that the public should just trust law enforcement to do what's right is somewhat troubling, right?" Eickholt said.

"We should be concerned because this information can allow law enforcement officials to find out a lot of stuff about certain people," he added. "All they need is a plate number."

Already, at least two of the six Nebraska law enforcement agencies deploying plate readers have strayed from the reporting requirements outlined in the privacy act, which requires they submit an annual report to the Nebraska Commission on Law Enforcement and Justice summarizing their practices and use of the plate readers.

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June 18, 2018 - June 19, 2019

NEBRASKA
COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

## AUTOMATIC LICENSE PLATE READER PRIVACY ACT DATA COLLLECTION

### Neb. Rev. Stat 60-3206(3)a

*(3)(a) Report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its automatic license plate reader practices and usage. The report shall also be conspicuously posted on the governmental entity's Internet web site or, if no web site is available, in its main office. The report shall include the following information, if captured by the automatic license plate reader system:*

*(i) The names of each list against which captured plate data was checked, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert; and*

*(ii) The number of manually-entered license plate numbers under subsection (3) of section 60-3204, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert.*

*(b) The reporting requirements of this subsection shall not apply to governmental entities using an automatic license plate reader system pursuant to subdivisions (2)(b) through (e) of section 60-3203.*

**AGENCY NAME:** Lancaster County Sheriff's Office

**AGENCY ORI:** NB0550000

**PLATE DATA INDEXED LISTINGS:**

| DATA SOURCE: | # CONFIRMED MATCHES | # NON-CORRELATED MATCHES |
|---|---|---|
| NCIC | 0 | 0 |
| | | |
| | | |
| | | |
| | | |

**MANUALLY-ENTERED AGGREGATE DATA:**

| |
|---|
| # MANUALLY –ENTERED NUMBERS: 45 |
| # CONFIRMED MATCHES: 0 |
| # NON-CORRELATED MATCHES: 0 |

Automatic License Plate Reader Privacy Act Form

State law requires law enforcement agencies that deploy plate readers to submit an annual reports to summarizing their practices and use of the plate readers. In Lancaster County, the sheriff's office has not submitted a report since June 2019. Lancaster County Sheriff's Office

In Lancaster County, the sheriff's office has not submitted **a report since June 2019**. The Seward County Sheriff's Office — which began using plate readers in early 2019 — has never submitted an annual report to the crime commission.

"(The privacy act) gives agencies the responsibility to send them in, but there is no stated penalty for not submitting the reports," said Don Arp, the executive director of the crime commission, which did not have **a webpage dedicated to publishing the existing reports** until after the Journal Star inquired about the requirement in late August.

"There are penalties for violating other portions of the act, but not reporting," Arp said in an email.

York County's sheriff's office and the Omaha Airport Authority police have each so far been compliant with the reporting requirement. The police departments in Bellevue and Kearney each began a plate reader pilot program in July. Their annual reports won't be due until next summer.

From 2018 to 2019, the year that encompasses the agency's only submitted report, deputies in Lancaster County scanned zero plates that matched cars flagged in the National Crime Information Center database, a system that allows law enforcement agencies nationwide to share information.

In the same year, the agency manually searched 45 plate numbers, according to the report. It came up with zero matches.

There are also discrepancies between the agencies — and their third-party contractors — in how the data is stored and can be accessed.

In Seward County, Swicord said that if his office searched for a specific license plate number, authorities would only be alerted for future matches on that specific plate and would not be able to review any prior images of the plate in their database or any database without a court order.

But in Lancaster County, Mayo said, every manual search of a plate number would also reveal six months' worth of local match data for that plate, if such data existed.

And the deputies have access to data from "several hundred" agencies across the country that either openly share their data or have signed mutual operating agreements with the sheriff's office, Houchin said. Nebraska deputies can access data from some out-of-state agencies — or private data collectors — longer than the six-month limit placed on Nebraska law enforcement, since out-of-state data isn't subject to the state's privacy act.

Agencies with a signed agreement with the sheriff's office also have access to the data collected here, though the images are still purged 180 days after they are collected.

Houchin said the sheriff's office can only share data with agencies or private collectors, such as car repo companies, that use Vigilant Solutions, the software developer owned by Motorola that provides the plate readers to the sheriff's offices in Lancaster and Seward counties and owns the data once law enforcement collects it, according to Lancaster County's contract with the company.

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**Enterprise Service Agreement (ESA)**

This Vigilant Solutions Enterprise Service Agreement (the "Agreement") is made and entered into as of this_____ Day of _____, 20__ by and between **Vigilant Solutions, LLC** , a Delaware corporation, having its principal place of business at 1152 Stealth Street, Livermore, CA 94551 ("Vigilant") and the COUNTY OF LANCASTER, NEBRASKA on behalf of the LANCASTER COUNTY SHERIFF'S OFFICE, a law enforcement agency ("LEA") or other governmental agency, having its principal place of business at 575 South 10th Street, Lincoln, NE 69508 ("Affiliate").

**WHEREAS,** Vigilant designs, develops, licenses and services advanced video analysis software technologies for the law enforcement and security markets;

**WHEREAS,** Vigilant provides access to license plate data as a value-added component of the Vigilant law enforcement package of license plate recognition equipment and software;

**WHEREAS,** Affiliate will separately purchase License Plate Recognition (LPR) hardware components from Vigilant and/or its authorized reseller for use with the Software Products (as defined below);

**WHEREAS**, Affiliate desires to license from and receive service for the Software Products provided by Vigilant;

**THEREFORE,** In consideration of the mutual covenants contained herein this Agreement, Affiliate and Vigilant hereby agree as follows:

**I. Definitions:**

1. **"Booking Images"** refers to both LEA Booking Images and Commercial Booking Images.

**"CJIS Security Policy"** means the FBI CJIS Security Policy document as published by the FBI CJIS Information Security Officer.

**"CLK"** or **"Camera License Key"** means an electronic key that will permit each license of Vigilant's CarDetector brand LPR software or FaceAlert brand facial recognition software (one CLK per camera) to be used with other Vigilant approved and licensed LPR hardware components (i.e., cameras and other hardware components provided by Vigilant or provided by a Vigilant certified reselling partner that has authority from Vigilant to deliver such Vigilant-authorized components) and Software Products. CLKs shall be not issuable and if issued in error shall be removed and immediately rendered null and void for cameras and other hardware components that are not Vigilant-authorized cameras and other hardware components or are delivered to Affiliate by another vendor that is not a Vigilant certified reselling partner.

2. **"Commercial Booking Images**" refers to images collected by commercial sources and available on LEARN with a paid subscription.

**"Commercial LPR Data**" refers to LPR data collected by private sources and available on LEARN with a paid subscription.



"I'm not trying to be paranoid, but this is Big Tech," Eickholt said. "These companies have nationwide service, sometimes worldwide service. ... That's got to have some sort of utility for various commercial purposes, and that's separate from the law

enforcement and government interests that people might think is there when they agree to install these cameras."

Lancaster County's contract with Vigilant expressly mentions the privacy act, and as a part of the contract, Vigilant agrees to delete collected data in accordance with the law or even earlier at the written request of the sheriff's office.

The law does not place any constraints on the private collection or use of license plate data — which can be accessed by law enforcement indefinitely if private collectors utilize the same data host, such as Vigilant or Flock Safety, the contractor that operates cameras in Bellevue and Kearney.

Houchin said Lancaster County authorities had used private data collected in other states to make multiple arrests in homicide cases in recent years.

Mayo estimated that repo companies collect images of "billions" of plates across the country. Oversight laws nationwide, like in Nebraska, often don't constrain law enforcement's access to privately collected data.

That loophole has prompted somewhat of a reversal in tenor from Nebraska's ACLU, which twice testified at the Legislature's Judiciary Committee hearings in support of the bill that now governs the use of plate readers in Nebraska — saying the law's measures were "appropriate safeguards" — **but last month publicly rebuked the readers** as Omaha leaders weighed introducing them.

"I mean, we supported that because it was, at least, something, and before that we had nothing," Eickholt said. "Ideally, we probably wanted LB93 to be tighter, to have maybe a lower number of days that law enforcement could retain the data, for instance.

"Looking back, although it might be difficult to legislate, (we'd like) to have some kind of control over what these companies do with the data they collect, to at least maybe have people whose vehicles are captured regularly to have some sort of say. Because right now, those people are left out of the equation completely."

Houchin and Mayo said they would like to see the data retention period extended and the restrictions loosened. They also hope the public would view the technology in the same light they do: a tool that helps law enforcement keep the public safe.

"The average citizen has no concern about passing a license plate reader, because we're not even going to pay one little bit of attention to it," Houchin said. "And I think the average citizen would want us to catch a young gal who's being sex trafficked ... this is a good tool to do it."

**'We need to get him out' — Lincoln man, police officer reflect on rescue of driver from southeast Lincoln pond**

**Top Journal Star Photos for September**



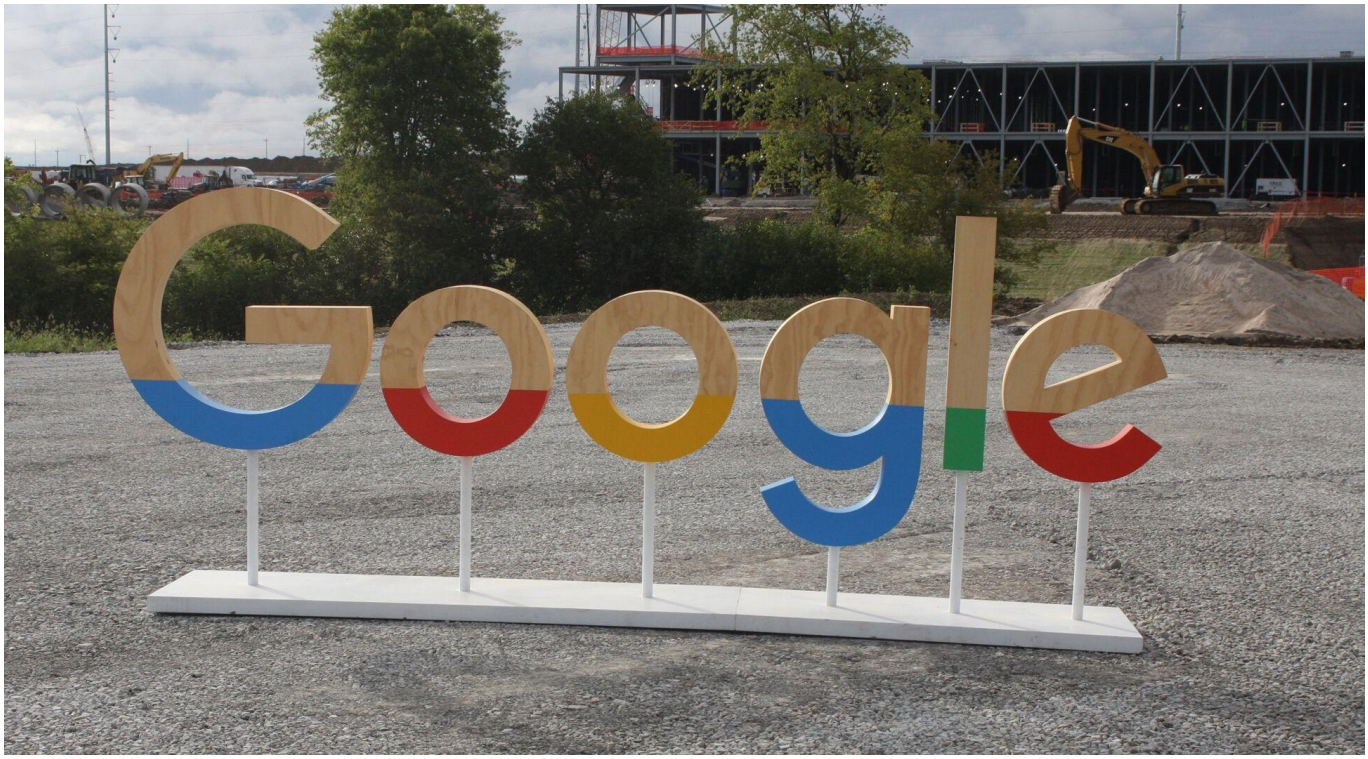

Lincoln North Star runs out before a football game between Millard South on Friday, Sept. 23, 2022 ,at UBT Stadium in Lincoln.

NOAH RIFFE Journal Star

https://omaha.com/news/state-and-regional/govt-and-politics/nebraska-reaches-11-9-million-settlement-with-google-on-location-tracking-data/article_dca37eb6-6451-11ed-ac4b-bf643dee6eef.html

# Nebraska reaches $11.9 million settlement with Google on location tracking data

**Martha Stoddard**
Nov 14, 2022




Google announces $750 million investment in Nebraska

LINCOLN — Nebraska has reached an $11.9 million settlement with Google to close out a multistate investigation into the firm's location tracking practices.

Attorney General Doug Peterson announced the settlement Monday, along with the attorneys general of 39 other states. The agreement, worth $391.5 million in total, is the largest multistate privacy settlement in U.S. history.

Along with the monetary settlement, the agreement requires Google to be more transparent with consumers about its practices, limits the firm's use and storage of certain types of location information and requires Google account controls to be more user-friendly.

The investigation began following a 2018 Associated Press story that revealed Google "records your movements even when you explicitly tell it not to."

The story focused on two Google account settings: location history and web & app activity. Location history is "off" unless a user turns on the setting, but web & app activity, a separate account setting, is automatically "on" when users, including all Android phone users, set up a Google account.


## People are also reading...

1. **Video: Mickey Joseph's press conference after Nebraska's loss to No. 3 Michigan**
2. **One person killed, six others injured in shooting at large gathering in North Omaha**
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4. **Slate of conservative Elkhorn school board candidates comes up short**


As detailed in the settlement, the attorneys general found that Google had violated state consumer protection laws by misleading consumers about its location tracking practices since at least 2014.

Specifically, the firm caused users to be confused about the scope of the location history setting, the fact that the web & app activity setting existed and also collected location information and the extent to which consumers who use Google products and services could limit Google's location tracking by adjusting their account and device settings.

Location data is a key part of Google's digital advertising business. Google uses the personal and behavioral data it collects to build detailed user profiles and target ads on behalf of its advertising customers.

Yet location data is among the most sensitive and valuable personal information Google collects. Even a limited amount of location data can expose a person's identity and routines and can be used to infer personal details.

The AP reported that the privacy issue with location tracking affected some 2 billion users of devices that run Google's Android operating software and hundreds of millions of worldwide iPhone users who rely on Google for maps or search.

Under the terms of the settlement, Google must show additional information to users whenever they turn a location-related account setting "on" or "off," make key information about location tracking easily seen and give users detailed information about the types of location data Google collects and how it's used at an enhanced "Location Technologies" webpage.

Peterson and the attorney general of Oregon led the settlement negotiations on behalf of the multistate group.

The location tracking investigation was separate from a federal antitrust lawsuit filed in December 2020 by Nebraska, Colorado and 36 other states. That case is scheduled to go to trial in September.

**martha.stoddard@owh.com**, 402-670-2402, **twitter.com/stoddardOWH**

### By Martha Stoddard

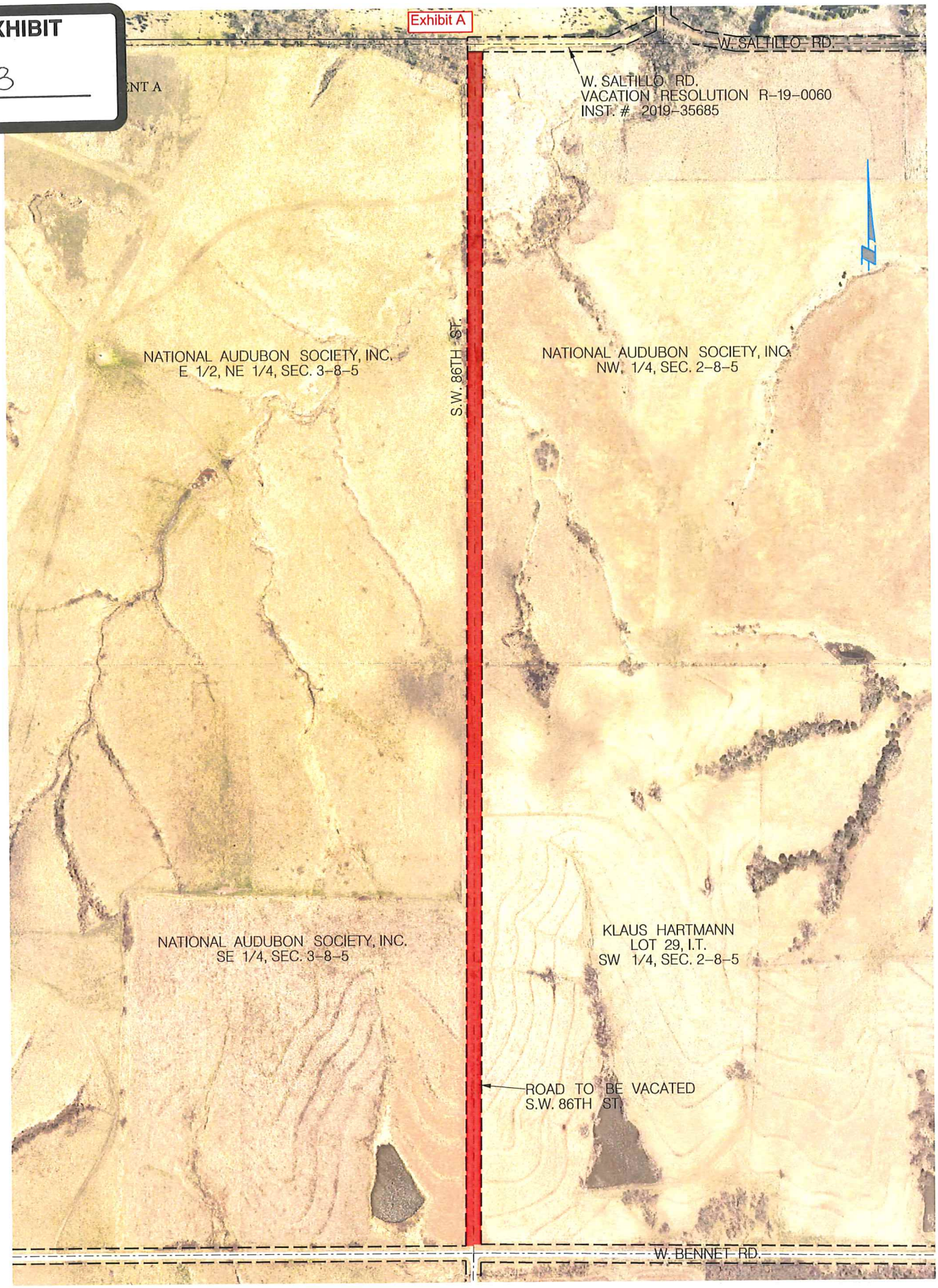
Martha Stoddard keeps legislators honest from The World-Herald's Lincoln bureau, where she covers news from the State Capitol. Follow her on Twitter @StoddardOWH. Phone: 402-670-2402


EXHIBIT
tabbies
2

EXHIBIT

3

Exhibit A




VACATE: S.W. 86TH ST. BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF W. SALTILLO RD. AS SHOWN ON RESOLUTION R-19-0060 AND THE NORTH RIGHT-OF-WAY LINE OF W. BENNET RD., ALL LOCATED IN SECTION 2 AND SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

EXHIBIT
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RECEIVED
NOV 26 2008
LANC. COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE VACATION OF A PORTION OF SOUTHWEST 86TH STREET BETWEEN WEST SALTILLO ROAD AND WEST BENNET ROAD, AND A PORTION OF WEST SALTILLO ROAD BETWEEN SOUTHWEST 84TH STREET AND SOUTHWEST 86TH STREET, LANCASTER COUNTY, NEBRASKA

RESOLUTION NO. R-08-0102

WHEREAS, on July 21, 2008 a petition was filed with the Lancaster County Clerk pursuant to Neb. Rev. Stat. §§39-1723 (Reissue 2004), seeking vacation of S.W. 86th Street between West Saltillo Road and West Bennet Road, and a portion of West Saltillo Road between S.W. 84th Street and S.W. 86th Street, such portions running from the Southwest corner of Section 2, Township 8 North, Range 5 East to the Northwest corner of said Section 2 and from the Southwest corner of Section 35, Township 9 North, Range 5 East to the Northwest corner of said Section 2 , Lancaster County, Nebraska, more particularly depicted in the diagram identified as Exhibit "A", which is attached hereto and incorporated by this reference; and

WHEREAS, the Board of County Commissioners, by Resolution No. R-08-0052, directed the Lancaster County Engineering Department to conduct a study and submit a report regarding the use being made of said roads; and

WHEREAS, the Board has now received said report from the Engineering Department as well as a report from the Lincoln/Lancaster County Planning Department relative to the vacation of said roads, both of which reports are attached hereto and incorporated by this reference; and

WHEREAS, pursuant to Neb. Rev. Stat. §39-1725 (Reissue 2004), the County Board conducted a public hearing on September 30, 2008, and continued the public hearing until

November 25, 2008; and

WHEREAS, the County Board conducted the continuation of the public hearing on November 25, 2008; and

WHEREAS, on the basis of all the information available to it, the Board has determined that vacation of S.W. 86th Street between West Saltillo Road and West Bennet Road would serve the public good by enabling the Abutting property owners to foster, maintain and improve the Spring Creek Prairie, which is located on the properties, and which constitutes a substantial environmental, educational and recreational resource for the community; and

WHEREAS, on the basis of all the information available to it, the Board has determined that vacation of that portion of West Saltillo Road Between S.W. 84th Street and S.W. 86th Street is not necessary to serve the purpose of fostering, maintaining and improving Spring Creek Prairie.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the vacation of the portion of West Saltillo Road between S.W. 84th Street and S.W. 86th Street, such portion running from the Southwest corner of Section 35, Township 9 North, Range 5 East to the Northwest corner of said Section 2 , Lancaster County, Nebraska, more particularly depicted in the diagram identified as Exhibit "A", is hereby denied.

AND BE IT FURTHER RESOLVED, that the vacation of the portion of S.W. 86th Street between West Saltillo Road and West Bennet Road, and, such portion running from the Southwest corner of Section 2, Township 8 North, Range 5 East to the Northwest corner of said Section 2, Lancaster County, Nebraska, more particularly depicted in the diagram identified as Exhibit "A", is hereby approved subject to the following conditions:

1. Lancaster County shall retain all present title to and rights in the right-of-way and

easements constituting the portions of road vacated by this Resolution.

2. Lancaster County specifically retains the right to reopen the road, without payment of any damages for the rights or improvements herein required, at such time as the Board of County Commissioners of Lancaster County, Nebraska, determines that public safety or necessity requires such action.

3. Abutting property owners shall provide suitable fences at each end of the vacated portion of the road, with adequately locked gates of sufficient width which total at least thirty (30) feet, to enable emergency and farm vehicles access to and across the vacated area. In addition, said property owners shall cooperate with law enforcement, public safety, and emergency services officials to ensure access to and across the vacated area when necessary to carry out their official functions.

4. Abutting property owners shall utilize the vacated area in a manner that will not unreasonably alter, degrade, or interfere with its possible use for road purposes in the future.

5. The Abutting property owners shall indemnify and save harmless to the fullest extent allowed by law, Lancaster County, Nebraska, from and against all losses, claims, damages and expenses, including attorney's fees arising out of or resulting from the use of such road that results in bodily injury, sickness, disease, death, or injury to or destruction of tangible property, including loss of use resulting therefrom and is caused in whole or in part by an adjacent property owner, any invitee, any guest, any subcontractor(s), anyone directly or indirectly employed by any of them or anyone for whose actions any of them may be liable. The Abutting property owners shall accept responsibility and liability for any losses, damages, injuries, claims, demands, costs and

expenses of every kind and nature, whether or nor covered by insurance, including legal fees and disbursements arising out of and in connection with the use, maintenance and enjoyment of said public land.

6. The Abutting property owners shall reimburse the County for the costs of procuring and installing all traffic signage necessitated by the actions directed by this Resolution.

7. These conditions shall run with the land and shall bind the Abutting land owners and all their respective heirs, assigns and successors in title.

DATED this 2nd day of December, 2008.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 2nd day of
December, 2008.

Deputy County Attorney
for GARY E. LACEY
Lancaster County Attorney

Lancaster County Engineering Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- KENNETH D. SCHROEDER
COUNTY SURVEYOR

RECEIVED
SEP 17 2008
LANC. COUNTY CLERK

**DATE:** August 20, 2008

**TO:** Lancaster County Board of Commissioners

**FROM:** Ken D. Schroeder
County Surveyor Ken D. Schroeder

**SUBJECT:** RESOLUTION #R-08-0052
VACATION OF SW 86TH STREET BETWEEN WEST SALTILLO ROAD AND WEST BENNET ROAD AND A PORTION OF WEST SALTILLO ROAD BETWEEN SW 86TH STREET AND SW 84TH STREET IN LANCASTER COUNTY NE

---

As per Resolution #3049, this office has reviewed the request for vacating a portion of SW 86th Street between West Saltillo Road and West Bennet Road, and vacating a portion of West Saltillo Road between SW 86th Street and SW 84th Street and would offer the following comments:

a) SW 86th Street and West Saltillo Road at this location was a petitioned road known as County road No. 1205 and declared located in September of 1893.

b) County road No. 1205 was ordered open and damage claims were paid in November of 1894.

c) Subject road in the area of proposed vacation is currently a dirt road.

d) The following comments reference road segments #1 - #4 shown on attached "Aerial Photo Map".

Segment #1 ---

There are two segments that are being requested for vacation. The segments include 1.0 mile of SW 86th Street and about 0.2 mile of Saltillo Road between SW 84th and SW 86th Streets. It is important to note that Lancaster County owns, in fee simple title, the 33 feet of SW 86th Street on the west side of the Hartman property. The purchase of this right-of-way occurred in 2004 and was related to the securing of right-of-way along the Bennet Road for grading and surfacing improvements to this Minimum Maintenance Road.

FAX # (402) 441-8692 444 CHERRYCREEK ROAD, BLDG C LINCOLN, NEBRASKA 68528 (402) 441-7681

**SUBJECT:** RESOLUTION #R-08-0052
VACATION OF SW 86TH STREET BETWEEN WEST SALTILLO ROAD
AND WEST BENNET ROAD AND A PORTION OF WEST SALTILLO ROAD
BETWEEN SW 86TH STREET AND SW 84TH STREET IN LANCASTER COUNTY NE

Segments #2 and #3 ---

These two segments are shown only to indicate that these segments are also dirt roads that connect to the requested vacation. These segments include about 0.3 mile of SW 84th Street and 0.4 mile of Saltillo Road going east from SW 84th Street.

Segment #4 ---

This segment is shown because it had similar issues in regards to trash dumpings prior to 2004 when the County worked with the landowners to clear the trees and regrade the road.

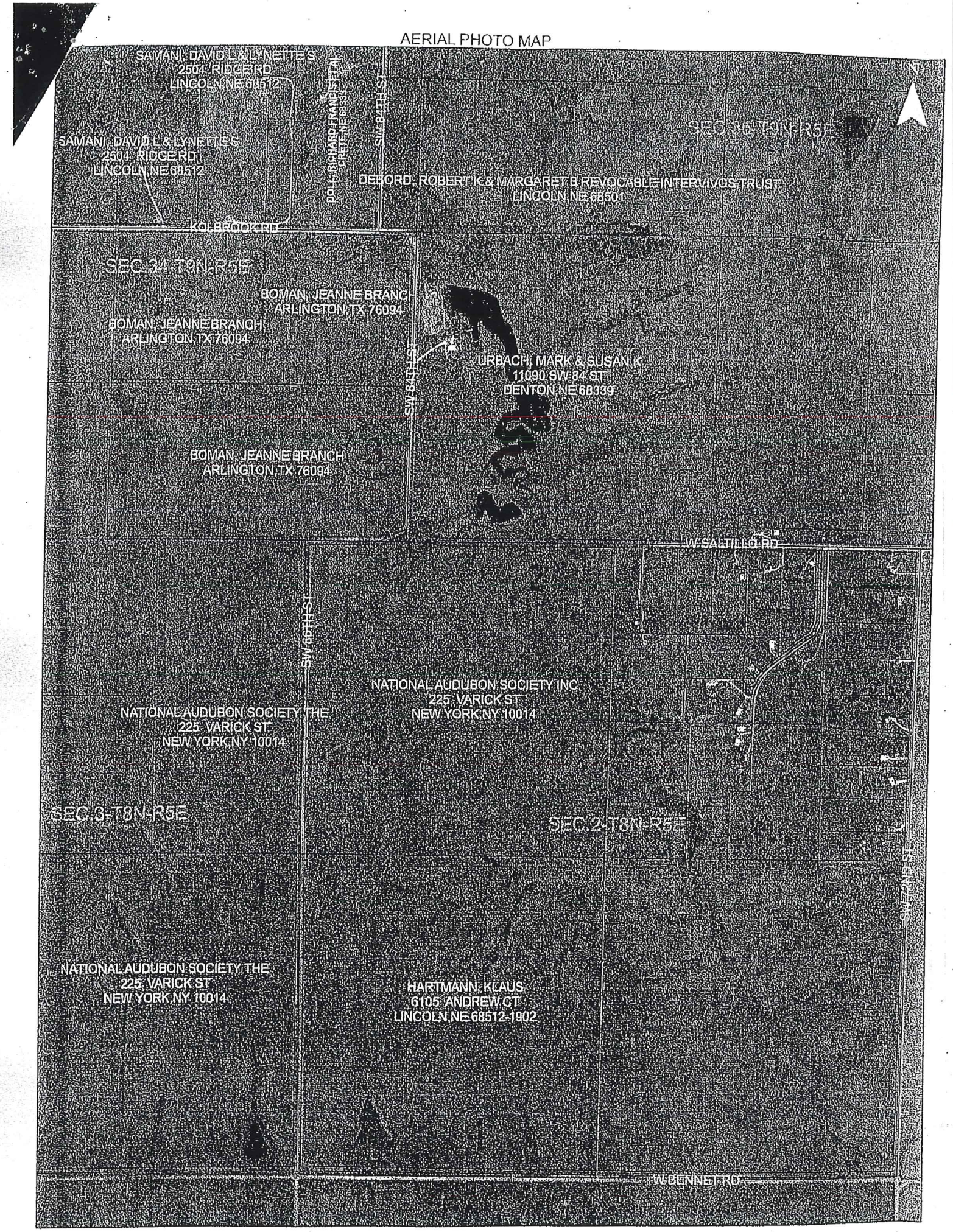
Therefore, in regards to the requested vacation, it would be our recommendation to not approve this vacation request. We have in most cases taken the position that the County should not give up those rights that we may have when it involves Section Line Roads. Growth that has occurred within Lancaster County in the past would be expected to continue in the future and we should be very conservative in giving away any County interest in section line roads. I would offer that if the landowners along these dirt roads are as willing to work with us as those owners along the Bennet Road, then an alternative solution is to upgrade these roads like the Bennet Road .

Enclosures

cc: Mike DeKalb
Planning Department

KDS/bml
Barb/Vacation/Res #08-0052 - SW 86th St.Mem

# AERIAL PHOTO MAP



COPY FOR
YOUR INFORMATION

**MEMORANDUM**

**DATE:** August 1, 2008

**TO:** County Board

**FROM:** Mike DeKalb, Planning

**RE:** Request for Vacation of a portion of West Saltillo Rd between SW 84th Street and SW 86th Street and SW 86th Street between West Saltillo Road and West Bennet Road.

**CC:** Marvin Krout
Ray Hill
Ken Schroeder
Dale Stertz

In accordance with County Resolution #3049, the Planning Department has reviewed the request for the vacation of a portion of West Saltillo Rd between SW 84th Street and SW 86th Street and SW 86th Street between West Saltillo Road and West Bennet Road, in Lancaster County, NE.

This County Road is not shown in the Lincoln-Lancaster County Comprehensive Plan for future paving or as anything other than a local county road. The land adjacent to this road is shown as either Agriculture or Environmental Resources. No substantial increase in traffic due to land use change is anticipated. It is anticipated that this area will continue to be preserved as native prairie/habitat by purchase or easements.

This will create a circumstance of a two and one half mile barrier with no road crossing.

This is a dirt county road with very low traffic levels (ADT of 11 in 1989).

The abutting property is zoned AG Agriculture.

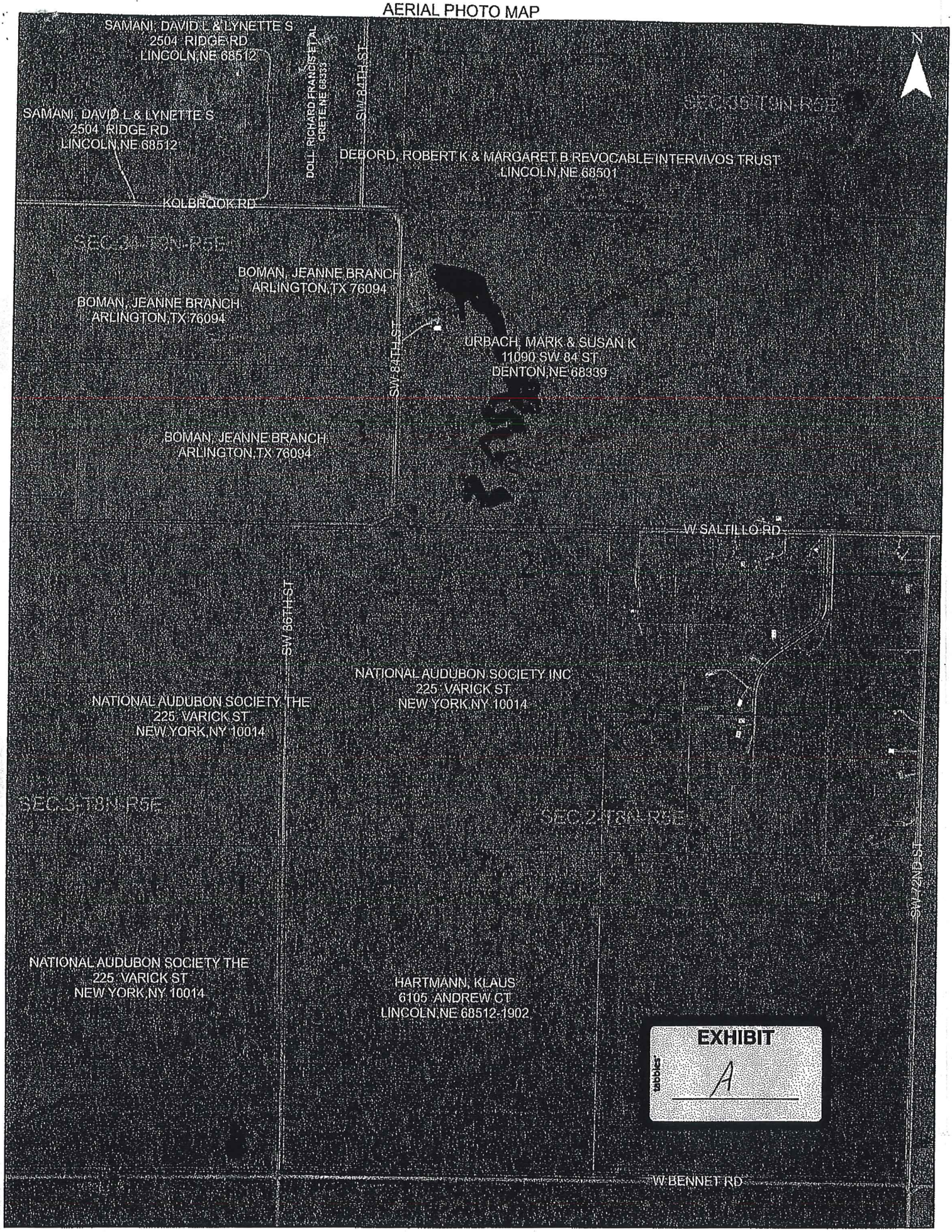
This vacation would not appear to create any lots or parcels without frontage or access to a county road.

This may or could be used for Norris Public Power lines.

The vacation does not appear to cause or create any issues or problems and would not be considered in conflict with the Plan. If the vacated road were to be used as or in support of the natural resources, it could be found to be generally in support of the Plan.

Q:\SHARED\WP\CBR S W86th and W Saltillo.MVD.wpd

# AERIAL PHOTO MAP



# AFFIDAVIT OF PUBLICATION

October 2008

State of Nebraska } ss.
LANCASTER COUNTY, }

PUBLIC NOTICE
The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, September 30, 2008 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building located at 555 South 10th Street in Lincoln, Nebraska regarding a request to vacate a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road, and regarding the vacation or abandonment of a portion of West Saltillo Road between Southwest 84th Street and Southwest 86th Street, such portions running from the southwest corner of Section 2, Township 8 North, Range 5 East to the northwest corner of said Section 2 and from the southwest corner of Section 35, Township 9 North, Range 5 East to the northwest corner of said Section 2, Lancaster County, Nebraska; at which time proponents and opponents will be heard.
Dan Nolte
County Clerk
#5257203 3t Sept. 9, 16, 23

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of the Lincoln Journal Star, legal newspaper printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspaper three successive time(s) the first insertion having been on the 9 day of September A.D., 2008 and thereafter on 16, 23, 2008 and that said newspaper is the legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Rebecca Coulter

Subscribed in my presence and sworn to before me this _____ day of Sept 24, 2008

Julana Nordmeyer
Notary Public

Printer's Fee, $_____

GENERAL NOTARY - State of Nebraska
JULANA NORDMEYER
My Comm. Exp. Jan. 28, 2012

5257203

R-08-0102

December 2008

# AFFIDAVIT OF PUBLICATION

State of Nebraska } ss.
LANCASTER COUNTY, }

PUBLIC NOTICE
The Lancaster County Board of Commissioners has continued the public hearing which was held on September 30, 2008 until Tuesday, November 25, 2008 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building located at 555 South 10th Street in Lincoln, Nebraska regarding a request to vacate a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road, and regarding the vacation or abandonment of a portion of West Saltillo Road between Southwest 84th Street and Southwest 86th Street, such portions running from the southwest corner of Section 2, Township 9 North, Range 5 East to the northwest corner of said Section 2 and from the southwest corner of Section 35, Township 9 North, Range 5 East to the northwest corner of said Section 2, Lancaster County, Nebraska; at which time proponents and opponents will be heard.
Dan Nolte
County Clerk
#5317994 3t Nov. 4, 11, 18

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of the Lincoln Journal Star, legal newspaper printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspaper three successive time(s) the first insertion having been on the 4 day of November A.D., 2008 and thereafter on 11, 18, 2008 and that said newspaper is the legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Rebecca Coulter

Subscribed in my presence and sworn to before me this _____ day of Nov 19, 2008

Julana Nordmeyer
Notary Public

Printer's Fee, $_____

GENERAL NOTARY - State of Nebraska
JULANA NORDMEYER
My Comm. Exp. Jan. 28, 2012

5317994

EXHIBIT

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# ATTACHMENT "A"

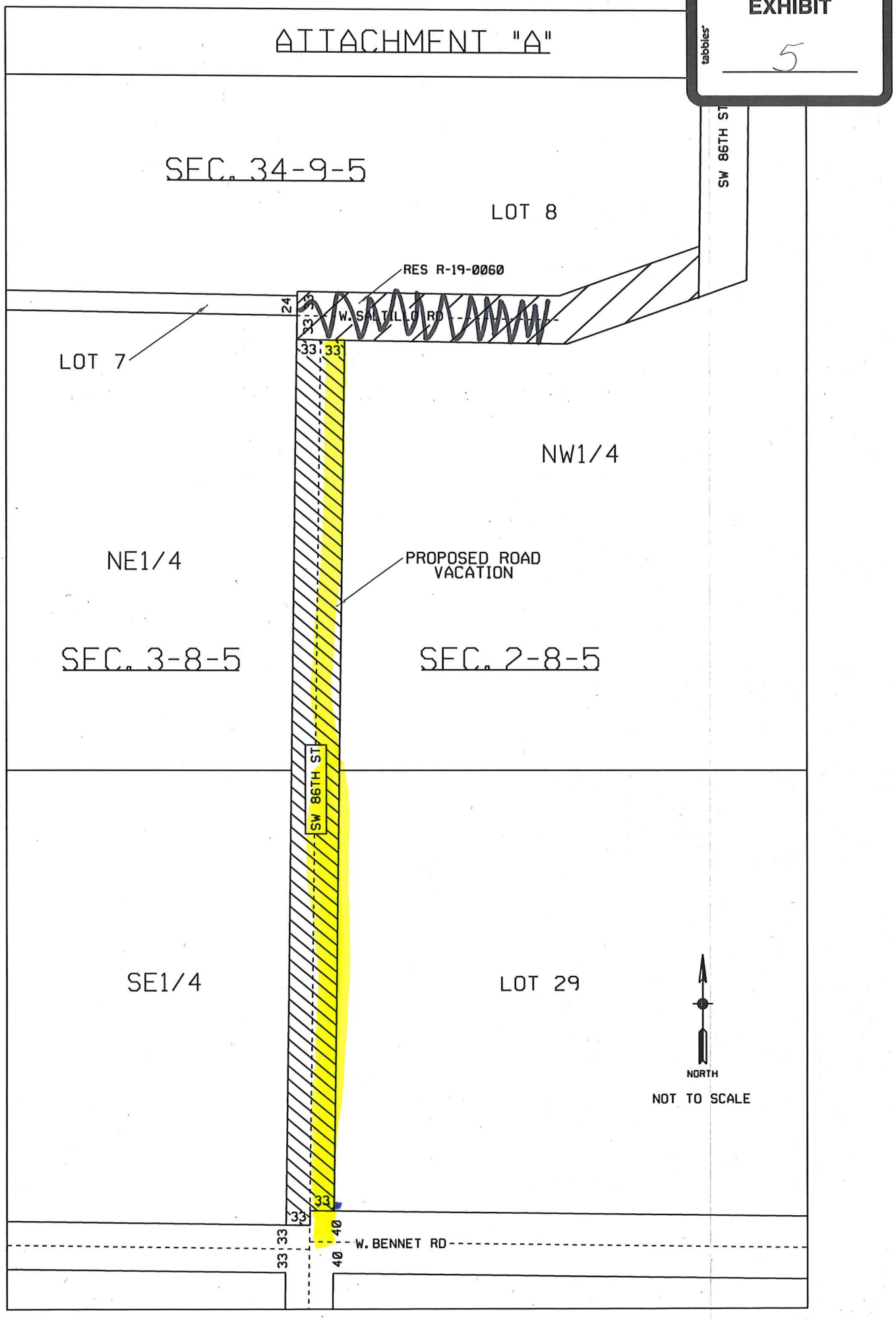



EXHIBIT
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ATTACHMEN

EXHIBIT
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Date: Oct 5th 2022

To: Lancaster County Board of Commissioners

From: John V. Berry
Lancaster County Surveyor LS #535
Lancaster County Engineering

Subject: Resolution R-22-0003
Study to vacate a portion County Road #1205, SW. 86th Street between W. Saltillo Road and W. Bennet Road in Lancaster County, NE.

Pursuant to County Resolution R-22-0003, this office has reviewed the request for vacating a portion of County Road #1205 (aka, SW. 86th Street) located in the W1/2 of Section 2, Township 8 North, Range 5 East and in the E1/2 of Section 3, Township 8 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly depicted and described on "Exhibit A"

This office would offer the following comments regarding proposed road vacation:

1. A portion of County Road #1205 (aka SW. 86th Street) at this location, is a section line petitioned road with 66 feet of statutory road right-of-way easement approved for location in a report to the Lancaster Board of County Commissioners in September of 1893. Final Action was taken on November 13, 1894, declaring County Road #1205 opened and damage claims paid.
2. The road surfacing in the area of proposed vacation currently is a minimum width dirt roadway approximately 12' wide and approximately 5300' in length with 3 drainage structures, (1 concrete box, 2 CMP pipes) and with little or no proper drainage ditches established and with little to no maintenance upkeep being performed.
3. From a recent field inspection, the area of proposed vacation has some vegetation overgrowth along either side with 2 (two) field driveways accessing adjacent properties. One field drive accessing Lot 29 Irregular Tracts said property currently owned by Mr. Klaus Hartmann and located in the SW1/4 of Section 2, Township 8 North, Range 5 East, and one field drive accessing property currently owned by The National Audubon Society and located in the E1/2 of Section 3, Township 8 North, Range 5 East.
4. Status of connecting roads to the area of proposed road vacation is as follows:
   - Approximately 0.25 mile of vacated W. Saltillo Road east from SW 84th Street (Resolution R-19-0060, recorded in Instrument # 2019-35685 and filed at the Register of Deeds Office)
   - W. Bennet Road, is an existing gravel roadway,
5. It is unknown if there are any existing public utilities in this portion of statutory road right-of-way easement, however, if approved for vacation, we do not warrant existence of, nor approval for any such utilities.
6. Drainage structure "U42" is an existing 2.5' by 2.5' by 48' concrete box culvert across SW. 86th Street located approximately 75 feet south of W. Saltillo Road. Upon road vacation approval, Lancaster County will relinquish this structure to the adjacent landowners, and they shall maintain proper drainage along existing drainage ways to not adversely affect drainage within the County's jurisdiction.
7. Drainage structure "U41" is an existing 60" by 38' corrugated metal pipe, across SW. 86th Street located approximately 895 feet south of W. Saltillo Road. Upon road vacation approval, Lancaster County will relinquish this structure to the adjacent landowners, and they shall maintain proper drainage along existing drainage ways to not adversely affect drainage within the County's jurisdiction.
8. Drainage structure "U40" is an existing 36" by 36' corrugated metal pipe, across SW. 86th Street located approximately 1440 feet south of W. Saltillo Road. Upon road vacation approval, Lancaster County will relinquish this structure to the adjacent landowners, and they shall maintain proper drainage along existing drainage ways to not adversely affect drainage within the County's jurisdiction.
9. This office has no immediate plans, nor any long-range plans that would include the need to utilize this road right-of-way easement. Therefore, this office would recommend approval of the proposed vacation.
10. Since title of this land lies with the adjacent owners, disposition of roadway easement land would be as directed by the Lancaster County Board of Commissioners. Value, if any, is unknown currently with a follow-up letter forthcoming.

Enclosures

Cc: Candace Berens, Deputy County Attorney
Pam Dingman, County Engineer
Ron Bohaty, Road Maintenance Division Head
Alex G. Olson, Right-of-way Manager
Meggan Reppert-Funke, County Clerk's Office
Tom Cajka, Planning Department

EXHIBIT

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8

## Candace L. Berens

**From:** Tom J. Cajka
**Sent:** Tuesday, November 15, 2022 8:29 AM
**To:** Candace L. Berens
**Subject:** SW 86th

Regarding the street vacation of SW 86th St. between W. Saltillo Road and W. Bennet Rd the Planning Department would direct the County Board to the memo sent with Resolution R-08-0052. This memo is still valid today.

Tom Cajka
County Planner
Lincoln-Lancaster County Plannning
402-441-5662

EXHIBIT
tabbies 9

# LANCASTER COUNTY CLERK

County-City Building | 555 South 10th Street | Lincoln, NE 68508-2803
402-441-7484 | Fax 402-441-8728

DAN NOLTE
*Clerk*

October 18, 2022

Klaus Hartmann
6105 Andrews CT
Lincoln, NE 68512

To Whom It May Concern:

This letter is to inform you that the Lancaster County Board of Commissioners recently approved a resolution setting the date, time and place for a public hearing regarding a request to vacate the right-of-way of Southwest 86th Street between West Saltillo Road and West Bennet Road in Lancaster County. A copy of this resolution is enclosed for your information.

The public hearing will be held on ***Tuesday, November 15, 2022 at 9:00 a.m.***, in Room 112 of the County-City Building, 555 S. 10th Street, Lincoln, NE. You may appear at this time to provide testimony, although, your attendance is not required. Written comments can also be submitted to the Lancaster County Clerk at 555 S. 10th Street, Room 108, Lincoln, NE 68508 or coclerk@lancaster.ne.gov.

If you have any questions regarding this letter, please contact me at 402-441-7484.

Sincerely,

Meggan Reppert-Funke

Meggan Reppert-Funke
Lancaster County Clerk's Office

Enclosure

LANCASTER COUNTY CLERK

County-City Building | 555 South 10th Street | Lincoln, NE 68508-2803
402-441-7484 | Fax 402-441-8728

DAN NOLTE
*Clerk*

October 18, 2022

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

To Whom It May Concern:

This letter is to inform you that the Lancaster County Board of Commissioners recently approved a resolution setting the date, time and place for a public hearing regarding a request to vacate the right-of-way of Southwest 86th Street between West Saltillo Road and West Bennet Road in Lancaster County. A copy of this resolution is enclosed for your information.

The public hearing will be held on ***Tuesday, November 15, 2022 at 9:00 a.m.***, in Room 112 of the County-City Building, 555 S. 10th Street, Lincoln, NE. You may appear at this time to provide testimony, although, your attendance is not required. Written comments can also be submitted to the Lancaster County Clerk at 555 S. 10th Street, Room 108, Lincoln, NE 68508 or coclerk@lancaster.ne.gov.

If you have any questions regarding this letter, please contact me at 402-441-7484.

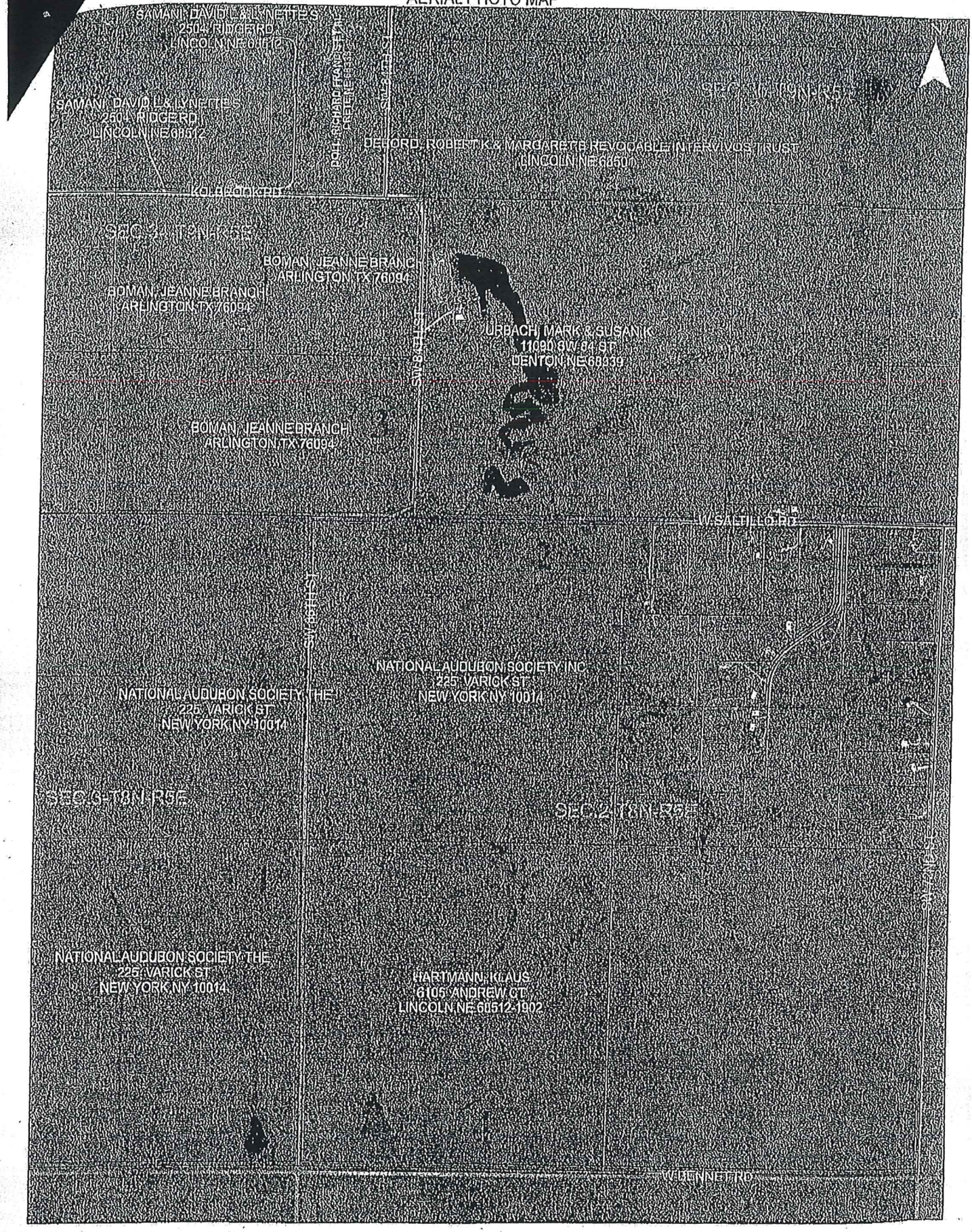
Sincerely,

Meggan Reppert-Funke

Meggan Reppert-Funke
Lancaster County Clerk's Office

Enclosure

# AERIAL PHOTO MAP



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

| | | |
|---|---|---|
| IN THE MATTER OF FIXING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING REGARDING A REQUEST TO VACATE THE RIGHT OF WAY AND ANY OTHER INTEREST RETAINED BY THE COUNTY WHEN IT VACATED THE PORTION OF S.W. 86TH STREET BETWEEN WEST SALTILLO ROAD AND WEST BENNET ROAD LOCATED IN LANCATER COUNTY, NEBRASKA | ) | RESOLUTION NO. R-22-0102 |

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, ("the Board"), pursuant to Neb. Rev. Stat. §§ 39-1722, received a report from the Lancaster County Engineer regarding the vacation of the County's present title to and rights in the right-of-way and easements constituting the portions of road vacated by County Resolution No. R-08-0102, described as that portion of S.W. 86th Street between West Saltillo Road and West Bennet Road, and such portion running from the Southwest corner of Section 2, Township 8 North, Range 5 East to the Northwest corner of said Section 2, Lancaster County, Nebraska, more particularly described in Attachment "A," attached hereto and incorporated herein by this reference;

WHEREAS, the report from the Lancaster County Engineering Department is provided in Attachment "B," which is attached hereto and incorporated by this reference; and

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

1) That a public hearing on the vacation for the aforesaid described right-of-way is hereby set for the 15th day of November, 2022 at 9:00 a.m., or as soon thereafter as is practicable, in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Lancaster County, Nebraska.

2) That the Lancaster County Clerk should be and hereby is directed to publish this resolution once a week for three consecutive weeks on the same day of the week in a legal newspaper of the County and is further directed where possible to send copies of this resolution, either by registered or certified mail, to the owners of the land abutting on or adjacent to the portion of the road to be vacated, by mailing the same to the last known address of such owner not less than two weeks in advance of the above-referenced hearing date.

DATED this 18 day of October, 2022, at the City County Building, Lincoln, Lancaster County, Nebraska.

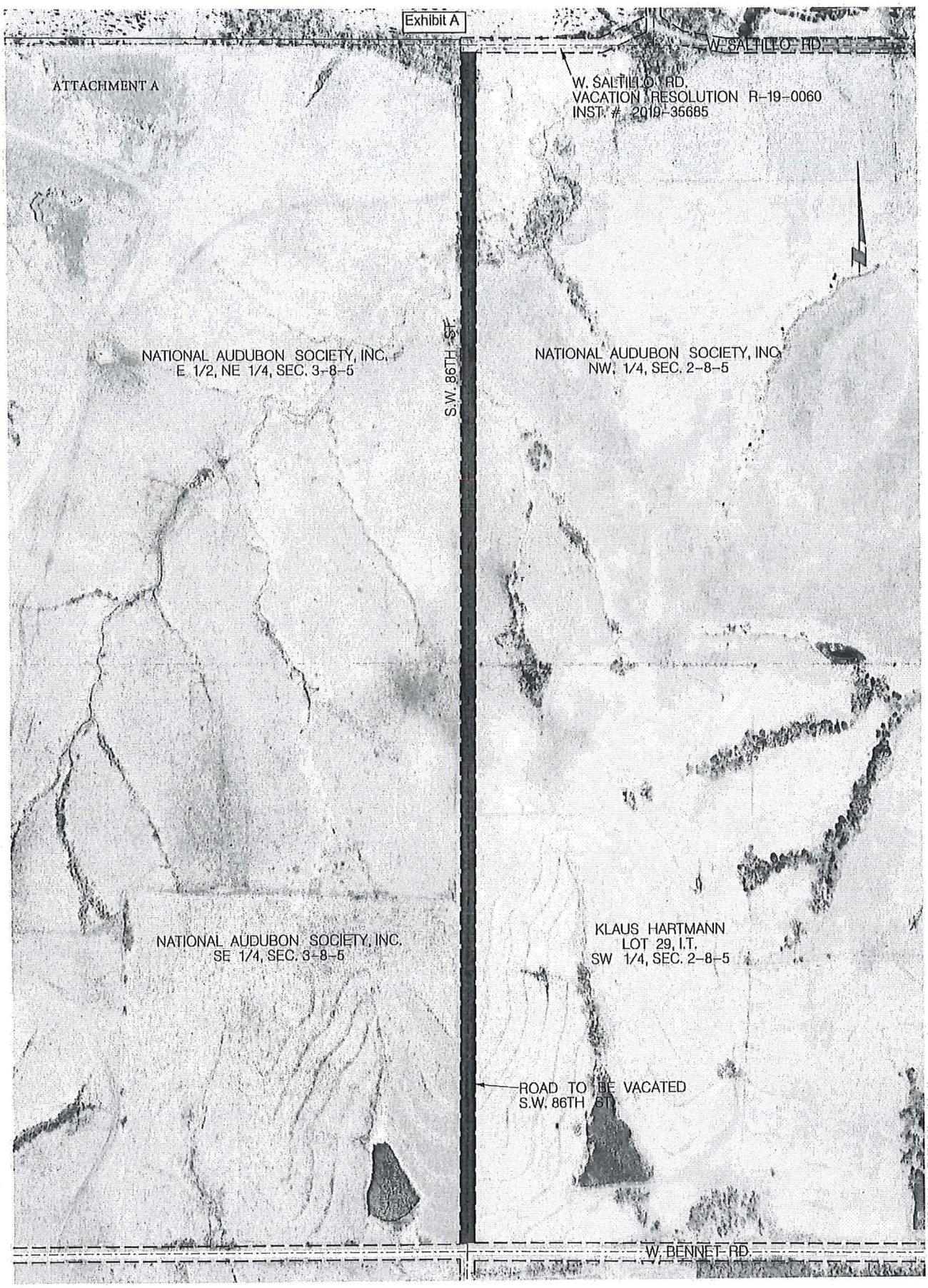
BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

Rick Veit

Deb Schorr

APPROVED AS TO FORM
this 18th day of
October, 2022.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney




VACATE: S.W. 86TH ST. BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF W. SALTILLO RD. AS SHOWN ON RESOLUTION R-19-0060 AND THE NORTH RIGHT-OF-WAY LINE OF W. BENNET RD., ALL LOCATED IN SECTION 2 AND SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

ATTACHMENT B

Date: Oct 5th 2022

To: Lancaster County Board of Commissioners

From: John V. Berry
Lancaster County Surveyor LS #535
Lancaster County Engineering

Subject: Resolution R-22-0003
Study to vacate a portion County Road #1205, SW. 86th Street between W. Saltillo Road and W. Bennet Road in Lancaster County, NE.

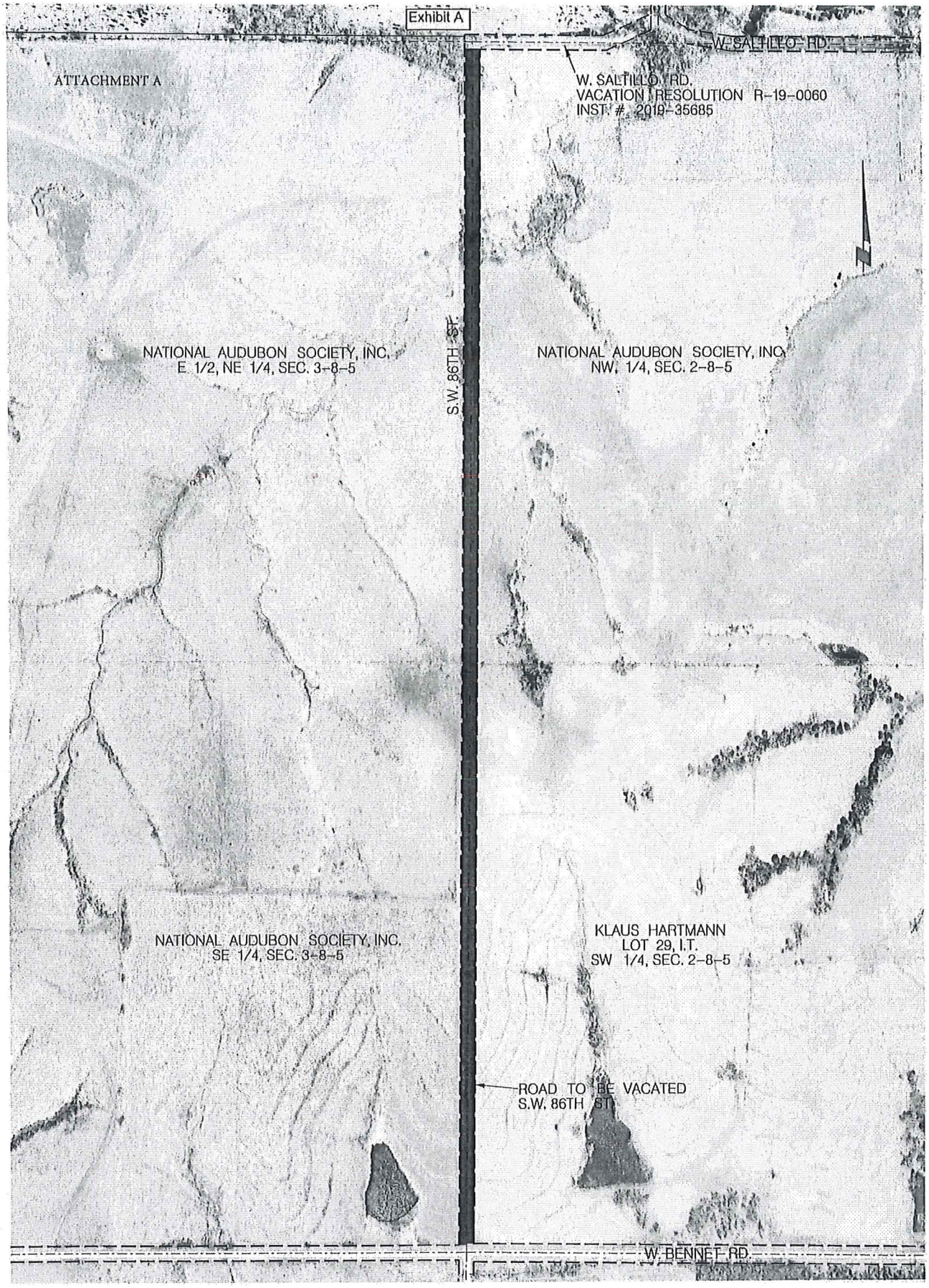
Pursuant to County Resolution R-22-0003, this office has reviewed the request for vacating a portion of County Road #1205 (aka, SW. 86th Street) located in the W1/2 of Section 2, Township 8 North, Range 5 East and in the E1/2 of Section 3, Township 8 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly depicted and described on "Exhibit A"

This office would offer the following comments regarding proposed road vacation:

1. A portion of County Road #1205 (aka SW. 86th Street) at this location, is a section line petitioned road with 66 feet of statutory road right-of-way easement approved for location in a report to the Lancaster Board of County Commissioners in September of 1893. Final Action was taken on November 13, 1894, declaring County Road #1205 opened and damage claims paid.
2. The road surfacing in the area of proposed vacation currently is a minimum width dirt roadway approximately 12' wide and approximately 5300' in length with 3 drainage structures, (1 concrete box, 2 CMP pipes) and with little or no proper drainage ditches established and with little to no maintenance upkeep being performed.
3. From a recent field inspection, the area of proposed vacation has some vegetation overgrowth along either side with 2 (two) field driveways accessing adjacent properties. One field drive accessing Lot 29 Irregular Tracts said property currently owned by Mr. Klaus Hartmann and located in the SW1/4 of Section 2, Township 8 North, Range 5 East, and one field drive accessing property currently owned by The National Audubon Society and located in the E1/2 of Section 3, Township 8 North, Range 5 East.
4. Status of connecting roads to the area of proposed road vacation is as follows:
   - Approximately 0.25 mile of vacated W. Saltillo Road east from SW 84th Street (Resolution R-19-0060, recorded in Instrument # 2019-35685 and filed at the Register of Deeds Office)
   - W. Bennet Road, is an existing gravel roadway,
5. It is unknown if there are any existing public utilities in this portion of statutory road right-of-way easement, however, if approved for vacation, we do not warrant existence of, nor approval for any such utilities.
6. Drainage structure "U42" is an existing 2.5' by 2.5' by 48' concrete box culvert across SW. 86th Street located approximately 75 feet south of W. Saltillo Road. Upon road vacation approval, Lancaster County will relinquish this structure to the adjacent landowners, and they shall maintain proper drainage along existing drainage ways to not adversely affect drainage within the County's jurisdiction.
7. Drainage structure "U41" is an existing 60" by 38' corrugated metal pipe, across SW. 86th Street located approximately 895 feet south of W. Saltillo Road. Upon road vacation approval, Lancaster County will relinquish this structure to the adjacent landowners, and they shall maintain proper drainage along existing drainage ways to not adversely affect drainage within the County's jurisdiction.
8. Drainage structure "U40" is an existing 36" by 36' corrugated metal pipe, across SW. 86th Street located approximately 1440 feet south of W. Saltillo Road. Upon road vacation approval, Lancaster County will relinquish this structure to the adjacent landowners, and they shall maintain proper drainage along existing drainage ways to not adversely affect drainage within the County's jurisdiction.
9. This office has no immediate plans, nor any long-range plans that would include the need to utilize this road right-of-way easement. Therefore, this office would recommend approval of the proposed vacation.
10. Since title of this land lies with the adjacent owners, disposition of roadway easement land would be as directed by the Lancaster County Board of Commissioners. Value, if any, is unknown currently with a follow-up letter forthcoming.

Enclosures

Cc: Candace Berens, Deputy County Attorney
Pam Dingman, County Engineer
Ron Bohaty, Road Maintenance Division Head
Alex G. Olson, Right-of-way Manager
Meggan Reppert-Funke, County Clerk's Office
Tom Cajka, Planning Department




VACATE: S.W. 86TH ST. BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF W. SALTILLO RD. AS SHOWN ON RESOLUTION R-19-0060 AND THE NORTH RIGHT-OF-WAY LINE OF W. BENNET RD., ALL LOCATED IN SECTION 2 AND SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA



04060531

EXHIBIT
tabbies
10

NO FEE

BLOCK
CODE
CHECKED
ENTERED
EDITED

INST. NO 2004
060531

2004 SEP 13 P 2:05

LANCASTER COUNTY, NE

NEBRASKA DOCUMENTARY
STAMP TAX
SEP 13 2004
$ X2 BY CR

# WARRANTY DEED

Klaus Hartmann, herein called the Grantor whether one or more, in consideration of One and 00/100 Dollars ($1.00) and other valuable consideration received from Grantee, does grant, bargain, sell, convey and confirm unto Lancaster County, a governmental subdivision, herein called the Grantee whether one or more, the following legally described real property in Lancaster County, Nebraska:

A part of the SW 1/4, of Section 2, Township 8 North, Range 5 East, of the 6th Principal Meridian, Lancaster County, Nebraska more particularly described as follows:

The south 40.00 feet of the said SW 1/4, and the west 33.00 feet except the south 40.00 feet of the said SW 1/4, Section 2, Township 8 North, Range 5 East, of the 6th Principal Meridian, Lancaster County, Nebraska

Containing 4.38 acres, more or less of which 3.96 acres, more or less is existing county road right of way, making a net additional right of way of 0.42 acres, more or less.

TO HAVE AND TO HOLD the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the Grantee and to Grantees successors and assigns forever.

And the Grantor does hereby covenant with the Grantee and with Grantees successors and assigns that Grantor is lawfully seized of said premises; that they are free from encumbrance except for easements and restrictions of record; that Grantor has good right and lawful authority to convey the same; and that Grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

In witness whereof the Grantor has signed this 2 day of AUG 20 04.

X Klaus Hartmann

X Gisela Hartmann

State of Nebraska, County of Lancaster:

Before me, a Notary Public qualified for said County, personally came

Klaus and Gisela Hartmann

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on August 2, 2004

Notary Public: Robert L. Loos

My commission expires May 1, 2005

GENERAL NOTARY - State of Nebraska
ROBERT L. LOOS
My Comm. Exp. May 1, 2005

State of _____, County of _____:

Before me, a Notary Public qualified for said County, personally came

_____

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on _____

Notary Public: _____

My commission expires _____

EXHIBIT
tabbies
11

SENDD
Southeast Nebraska Development District

November 9, 2022

**2020 Lancaster County Owner Occupied Rehabilitation Housing Program**
**20-HO-001-LCRF**
**Housing Rehabilitation Program**

**Re: Narrative outline for Recommendation of Construction Contract Award**
**For Project: #014.**

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**Project #014**
Construction contract award amounts total: $2,200.00
Sub-Contractors: Comfort Techs

**Description of work:**

- Remove & replace PTAC unit in the home to provide heating & cooling.

**LINCOLN OFFICE**
7407 O Street
Lincoln, NE 68510
Office: 402-475-2560

www.sendd.org

EQUAL HOUSING OPPORTUNITY

**AUBURN OFFICE**
919 Central Avenue
Auburn, NE 68305
Office: 402-862-2201

*SENDD is an Equal Opportunity Provider and Employer*

**BID RESULTS – 2020 Lancaster County OOR Program (20-HO-001-LCRF)**

Bid Date: October 17, 2022, 5:00 P.M.

Location: SENDD Lincoln Office

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Applicant # 014

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| | |
|---|---|
| Comfort Techs | $2,200.00 |
| Critel Enterprises, LLC | No Bid |
| York Heating & Air | No Bid |
| Fud & Tracy's Plumbing & Heating | No Bid |
| K&S Mechanical | No Bid |

RED = Most Responsible Bid / Line Item Selections - Total $2,200.00

**NOTE:** Contractors bid does contain a 10% Contingency fund and does include alternate items

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SENDD Est. $3,500.00 - including alternate items

SENDD
Southeast Nebraska Development District

**November 9, 2022**

Lancaster County Housing Committee Members

RE: 2020 Lancaster County OOR program (20-HO-001-LCRF)

Housing Advisory Committee

On October 17, 2022, a bid opening was held at 5:00 P.M., on applicant #014 through the 2020 Lancaster County Housing Rehabilitation Program (see attached bid sheet). The following is SENDD's recommendation to the Lancaster County Housing Advisory Committee Members on the following applicants:

**FOR PROJECT #014,** our Office recommends to award the contract to: Comfort Techs in the amount of $2,200.00 from the Affordable Housing Program (AHP).

| | | |
|---|---|---|
| Comfort Techs | Base Bid: | $2,200.00 |
| 540 Blue Heron Drive | Contingency Fund: | $0.00 |
| Lincoln, NE 68522 | Total Bid: | $2,200.00 |

**Recommend to award contracts:**

Comfort Techs: $2,200.00

Total: $2,200.00

The Sub-Contractor listed above has successfully completed similar projects over the years within communities in SENDD's District using CDBG & NAHTF funds. They are certified in Lead Base Paint training, registered on the SAM system, have the proper insurance coverage and have adequate staffing to complete project #014.

Sincerely,

Ryan Bauman
Housing Coordinator
SENDD

cc: Lancaster County
Housing Advisory Committee Members