



City of Grand Island

Tuesday, April 2, 2019

Study Session

Item -1

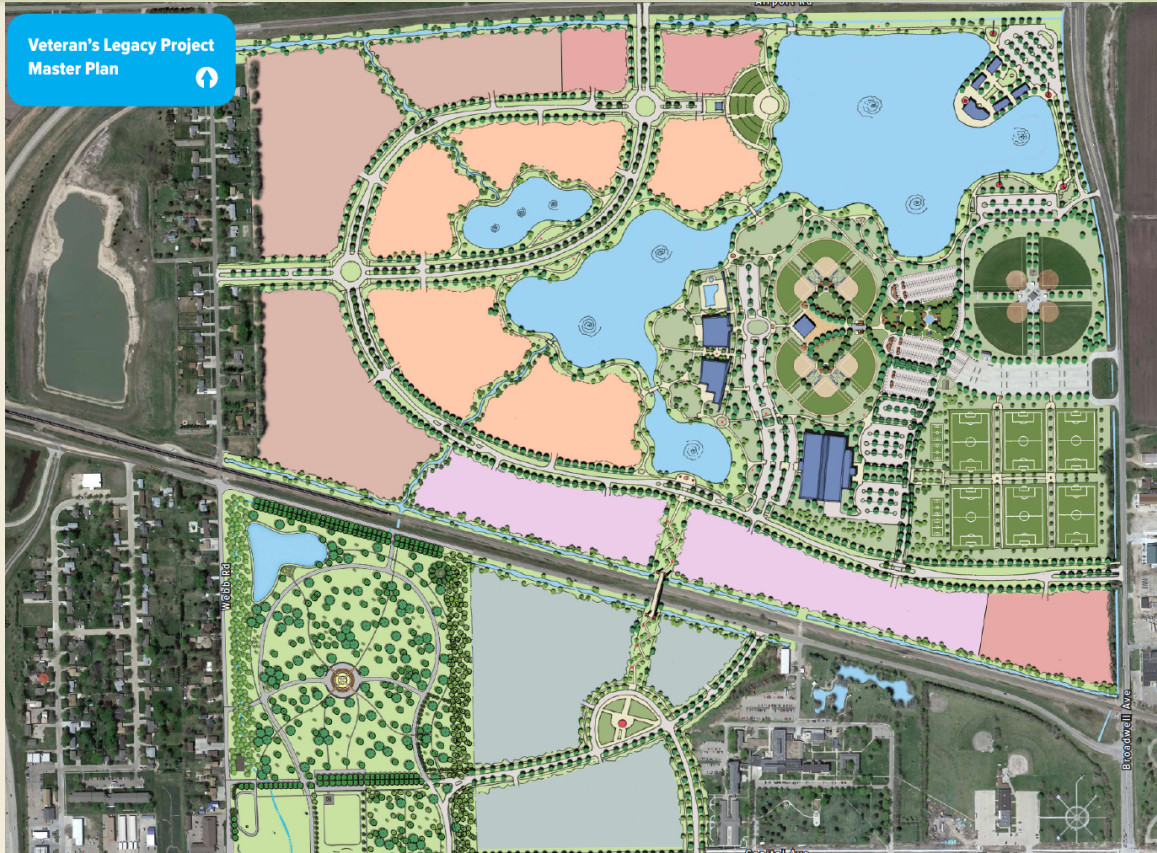
Veterans Home Campus Update

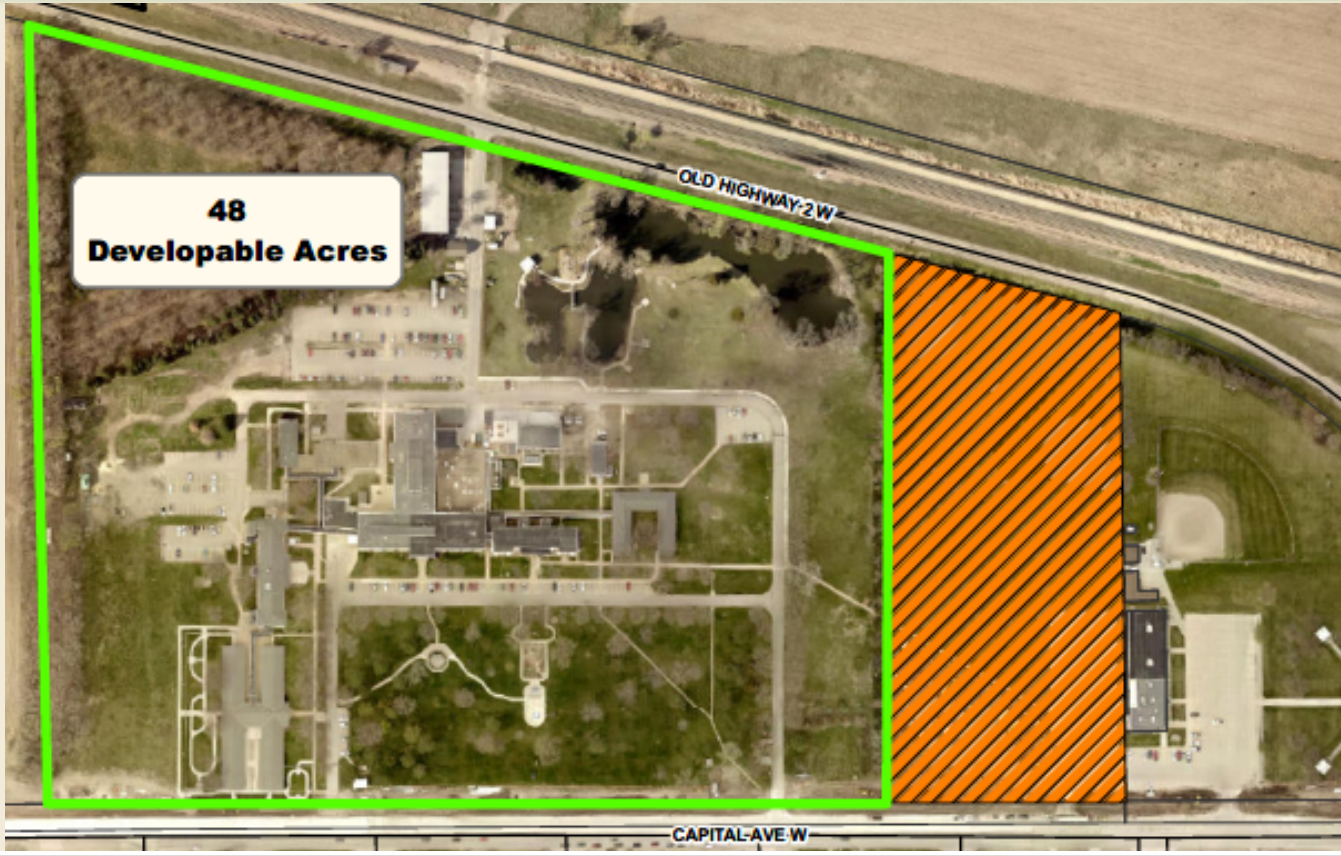
Staff Contact: Brent Clark

Grand Island Veterans Home Project

April 2019







 Video Flyover of Veteran's Home Campus

GRAND ISLAND VETERANS HOME
2300 W. Capital Avenue, Grand Island, NE 68803



Annual Utilities and Grounds Maintenance

- Department of Administrative Services has estimated their costs for Utilities and Ground Maintenance at \$1,000,000 annually.
- These costs, while less for a facility that is not in use, will still be similar for subsequent owners of the property.

Veteran's Cemetery

- The City of Grand Island is waiting on State approval of a Memorandum of Agreement for the transfer of the Veteran's Cemetery for the care and maintenance of the Cemetery.
- The Grand Island Parks Department will care for and maintain the Cemetery beginning this spring.

Significant Agreements

Programmatic Agreement – Required by
VA Construction Grant;

Memorandum of Agreement between City
and State – Provides framework for
potential transfers of former GIVH.

Programmatic Agreement a Condition of Federal Funding, signed 2015

**PROGRAMMATIC AGREEMENT AMONG
THE US DEPARTMENT OF VETERANS AFFAIRS,
THE NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES,
THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES,
THE NEBRASKA STATE HISTORIC PRESERVATION OFFICE,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE RELOCATION OF THE CENTRAL NEBRASKA VETERANS
HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND, NEBRASKA**

The Programmatic Agreement is required by Federal Law as a condition of awarding funds for projects such as the new Veterans Home in Kearney.

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C306108, and its implementing regulations at 36 CFR Part 800 (Section 106), require federal agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings; and

The Programmatic Agreement imposed upon the State certain obligations regarding the Grand Island Veterans Home site, including:

Elements of the Programmatic Agreement Include:

A Historic Property Identification and Site Survey;

1. Resource count and description of property;
2. Site map;
3. History;
4. Recommendations for placement on Historic Property Registry;
5. Historic resources to be considered as part of the reuse plan.

DHHS and DAS will ensure the continued maintenance of all facilities and support resources through the duration of the Programmatic Agreement.

5. Management and/or Redevelopment Plan (the Plan)

- a. DAS in cooperation with the City of Grand Island will identify and retain an appropriate professional team to prepare a management and/or redevelopment plan for the property. This team may include planners, realtors, marketing experts, historians, developers, economic development groups, and/or public officials as identified by DAS in consultation with the City of Grand Island. This management/redevelopment plan will address issues such as zoning, cost, and viability of reuse of resources on the property. Issues addressed in the plan should include, but not be limited to the following:
 - i. Potential continued use for the CNVH at the Property.
 - ii. Potential new residential and/or medical uses for the Property.
 - iii. Potential for new use for other public agencies in the region including but not limited to other city, county, state, or federal agencies.
 - iv. Potential for redevelopment of the Property into new commercial/industrial/recreational/residential uses
 - v. Potential use to commemorate or memorialize the service and/or history of state veterans including museum, interpretive center, and continuing active use of the cemetery.
 - vi. Potential for no new appropriate use of the existing Property.
 - vii. Public input on the plan will be sought through a public meeting held in Grand Island

- b. DAS will ensure that input from the consulting parties is sought and included in the Plan.
 - c. DAS will ensure that viable potential new uses identified in the plan are publicly advertised and disseminated to appropriate developers, state or federal agencies, or private parties for potential execution and implementation of recommendations in the Plan.
 - d. DAS will finalize the plan within 18 months of the execution of this document.
6. DAS will ensure that all aspects of appropriate Nebraska Revised Statutes pertaining to actions at state-owned properties are met. These laws include the following:
- a. Nebraska Revised Statute 72-810 requires state agencies that propose improvements, alterations, or changes made by the state, its agencies, or departments on or to any historic structure owned by the State of Nebraska shall be in keeping with its historical or architectural significance. Such alterations shall be made according to the standards set by the United States Department of the Interior. No alteration shall be made without review and comment by the Nebraska SHPO. If the state does not agree with the review and comment of the SHPO then a final determination as to what action must be followed by the state shall be made by the Governor.

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
THE STATE OF NEBRASKA AND THE CITY OF GRAND ISLAND
REGARDING TRANSFER OF
CENTRAL NEBRASKA VETERANS HOME LANDS AND BUILDINGS**

WHEREAS, upon completion of KVH and the vacating of GIVH, STATE intends to convey to CITY the remaining GIVH real estate consisting of the Veterans Home Campus, Veterans Cemetery, and parking area leased to the United Veterans Club, contingent upon the parties' mutual consent to the terms and conditions of such transfer including, but not limited to, CITY's covenant to provide continuing maintenance of the Veterans Cemetery and to protect the same from commercial and residential encroachment through greenspace buffer or the addition of public cemetery areas.

Following transfer of Central Nebraska Veterans Home residents and operational and administrative staff to KVH, and contingent upon the STATE's Vacant Building and Excess Land Committee making findings and determinations that the remaining GIVH property is vacant and excess and the making of appropriate recommendations as required by statute, STATE shall offer to convey to CITY the remaining real estate and improvements comprising GIVH located in a part of the South Half (S½) of Section Five (5), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, and consisting of: Veterans Home Campus; Veterans Cemetery; paved parking area currently leased to the United Veterans Club; and any other land that has not been otherwise sold or permanently disposed of as part of GIVH, herein referred to as the "GIVH Phase II Real Estate."



Upon acceptance by the CITY of the GIVH Phase II Real Estate upon such reasonable terms and conditions as mutually agreed to by the parties, CITY shall:

- a. Accommodate the needs of the United Veterans Club to continue its leasehold interest in and to the 10.667 acres consisting of the parking lot for the United Veterans Club;
- b. Provide continuing maintenance of the Veterans Cemetery and protect the same from commercial and residential encroachment through greenspace buffer or the addition of public cemetery areas; and
- c. Assume the duties and obligations of the State Building Division of the Nebraska Department of Administrative Services and the STATE under the Programmatic Agreement among the US Department of Veterans Affairs, the Nebraska

Department of Administrative Services, the Nebraska Department of Health and Human Services, the Nebraska State Historic Preservation Office and the Advisory Council on Historic Preservation Regarding the Relocation of the Central Nebraska Veterans Home at 2300 West Capital Avenue, Grand Island, Nebraska.

No State Funds

- Prior to Phase I transfer funding for building demolition was discussed. There was no legally binding commitment by the State to provide funds.
- After Phase I, DAS informed the City there are no State funds to accompany transfer of the property to the City.

Phase I Lands – Receipts and Debits

	FY2016	FY2017	FY2018	FY2019 to date	TOTAL
Revenues:					
Farm Income	\$ 38,246.25	\$ 76,492.50	\$ 86,796.98	\$ 81,816.38	\$ 283,352.11
Expenses:					
Property Taxes	\$ -	\$ 41,102.12	\$ 40,710.56	\$ -	\$ 81,812.68
Phase I Dev. Plan	\$ -	\$ 52,510.75	\$ 41,489.25	\$ -	\$ 94,000.00
Subtotal:	\$ -	\$ 93,612.87	\$ 82,199.81	\$ -	\$ 175,812.68
Cash On Hand:	\$ 38,246.25	\$ 21,125.88	\$ 25,723.05	\$ 107,539.43	\$ 192,634.61

2018 property tax assessed but not yet due - \$37,101.

Veterans Cemetery Estimated Annual Maintenance Expense

Seasonal Employee	\$	12,320
Utilities	\$	5,000
Natural Gas	\$	-
Building Repairs	\$	-
Mechanical Repairs	\$	1,020
Equipment Repairs	\$	1,400
Sanitation Service	\$	-
Other Property Services	\$	500
Legal Notices	\$	225
Travel and Training	\$	-
Uninsured Loss	\$	100
Office Supplies	\$	-
Chemical Supplies	\$	2,900
Small Tools and Parts	\$	250
Materials	\$	1,715
Supplies	\$	1,050
	\$	26,480

- It is not reasonable or responsible for the City to assume financial responsibility for the campus.
- Farm income from the Phase I transfer is insufficient to pay campus utilities, building maintenance, and other operating expense.

DAS Plan

The Nebraska Department of Administrative Services Informed the City of its intended Disposition Plan:

1. DAS will Transmit a Request for Information and Proposals (RFI/RFP) to potential Developers;
2. DAS will review responses and select adequate responses to proceed for consideration by a redevelopment team;
3. A DAS appointed redevelopment team will review and prioritize proposals;
4. DAS will host a community input session on the proposal selected by the redevelopment team; and
5. The selected proposal will be sent to the City for review.

Veterans Cemetery and United Veterans Club

City Administration offered to assume responsibility for the Veterans Cemetery through a Memorandum of Agreement between the State and DAS with the City.

Due to the uncertainty of the development process the State and the United Veterans Club entered into a new long term lease agreement for the 10 acre tract used by the club for parking and ball parks.

GOALS

The City of Grand Island is seeking redevelopment of the Veterans Home in a manner that will accomplish the following goals:

1. Provide a sustainable, positive economic and social impact for the immediate area and the City;
2. Provide a benefit to veterans, such as housing, social services or meeting other needs; and
3. Avoid a negative impact on the City's budget.

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REGARDING THE RELOCATION OF THE CENTRAL NEBRASKA VETERANS
HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND, NEBRASKA**

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C.306108, and its implementing regulations at 36 CFR Part 800 (Section 106), require federal agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings; and

WHEREAS, the Department of Health and Human Services (DHHS) operates, controls and maintains the Central Nebraska Veterans Home at 2300 West Capital Avenue in Grand Island, Hall County, Nebraska, (the property), and the Department of Administrative Services (DAS) owns the property; and

WHEREAS, The Administration Building, McKinley Building, WWII Memorial Building, Pershing Building, Director's Office, and the Heating Plant (six buildings) on the property have been identified as eligible for the National Register of Historic Places (NRHP) as part of the Nebraska State Owned Historic Buildings Survey, 2013; and

WHEREAS, the DAS and the Department of Health and Human Services (DHHS) in their grant application to the US Department of Veterans Affairs (VA) State Home Construction Grant Program, identified that the property fails to meet current building standards, and that its' design fundamentally conflicts with current best practices established by the VA's *Community Living Centers Design Guide, June 2011*; and

WHEREAS, the State of Nebraska (state) determined a new home should be built to meet the current Community Living Centers standards and allocated funds for new construction in the 2013-2015 bi-annual state budget; and

WHEREAS, the State appointed a selection committee to receive proposals from communities to locate the new veterans home and the committee recommended a new location in Kearney, Nebraska to the Governor; and

WHEREAS, the Governor accepted the recommendation of the committee, and announced Kearney as the location for construction of a new Central Nebraska Veterans Home; and

WHEREAS, the state applied for and was awarded federal grant funds for construction of a new veterans home from the VA State Home Construction Grant Program; and

WHEREAS, the award of the VA grant, the construction of the new veterans home in Kearney, Nebraska, and the ultimate closure of the existing veterans home constitutes the entire undertaking subject to Section 106; and

WHEREAS, this undertaking will result in vacating the existing property, and DAS will undertake certain actions that may transfer, lease, sale or demolish the property resulting in an adverse effect; and

WHEREAS, VA has consulted with the Nebraska State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800 and has determined that the undertaking's area of potential effect (APE) includes the entire 640 acre irregular parcel as shown in the map at Attachment A; and

WHEREAS, DAS has retained qualified professionals to complete a National Environmental Policy Act (NEPA) assessment at the new Kearney location selected for the CNVH, and SHPO has concurred that no historic properties will be affected at the new location as documented in their letter at Attachment B dated September 11, 2012

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), DAS has notified the ACHP of its adverse effect determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the VA has delegated certain Section 106 responsibilities to DAS, pursuant to 36 CFR Section 800.2(c)(4), as documented in its letter dated April 30, 2014 (Attachment C); and

WHEREAS, the VA invited the Iowa Tribe of Kansas and Nebraska, the Omaha Tribe, the Pawnee Nation of Oklahoma, the Ponca Tribe of Nebraska, the Santee Sioux Tribe, and the Winnebago Tribe to participate in this agreement on June 3, 2015, and by July 9, 2015 no response had been received from the tribes (Attachment D); and

WHEREAS, the DHHS and DAS have invited public participation and comment on this PA in accordance with 36 CFR Section 800.14 (b)(2)(ii) through public meeting held on December 14, 2014 (meeting notes shown in Attachment E), and has made the document available for public comment at the Grand Island Public Library; and

WHEREAS, DAS has identified and invited project stakeholders to participate in the consultation (Project directory of agencies and stakeholders can be found at Attachment F); and

WHEREAS, DAS and DHHS have consulted with veterans organizations (Identified in Project Directory at Attachment E) and the Hall County Historical Society regarding the effects of the undertaking on the Property and has invited them to sign this PA as concurring parties; and

WHEREAS, DAS, DHHS, VA, ACHP, and Nebraska SHPO have agreed to enter into this Programmatic Agreement in accordance with 36 CFR Section 800.14 (b)(v); and

NOW THEREFORE, DAS, DHHS, VA, Nebraska SHPO, and ACHP agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

VA will ensure that DAS carries out the following stipulations:

1. Roles and Responsibilities

- a. The VA will provide grant money for construction of the new CNVH at Kearney through the VA State Home Construction Grant Program. The VA delegates to DAS the responsibility for carrying out the stipulations within this agreement.
- b. DAS will appoint a project point of contact (Project Contact or PC) for the duration of this agreement. This person will serve as the primary point of contact for this PA, and will be responsible for all internal project review, documentation, and coordination among DAS, DHHS, VA, SHPO, and ACHP in accordance with Stipulation 2 Review of Deliverables and with Stipulation 7 Project Monitoring and reporting.
- c. The DAS Project Contact will receive and distribute all deliverables to the PA to the appropriate parties, agencies, or qualified professionals for review and comment. Qualified professionals include any individual who meets the Secretary of the Interior's *Professional Qualification Standards*. The PC shall ensure the completion and acceptance of all deliverables.
- d. Within two months (60) days of the implementation of this agreement, the Project Contact shall create, with other appropriate agencies, a working schedule to fulfill completion of all stipulations identified in this PA within its duration. The PC will electronically log and track all deliverables to the PA and will make them available to signatories to this agreement upon written request.
- e. The PC will generate and submit all reporting and monitoring documents pursuant to Stipulation 7 of this agreement, including:

- i. Tracking and maintaining project schedule
 - ii. Responding to requests for information from consulting parties
 - iii. Generating and circulating annual reports through the duration of this PA
 - iv. Any coordination between signatories.
2. Review of PA Deliverables
 - a. All Project deliverables identified in stipulations 3-10 and generated by subject matter experts or their sub-consultants for each stipulation will be submitted to the PC who will review for general completeness and forward to appropriate subject matter experts or qualified professionals for technical review and comment within 7 days of receipt of deliverable.
 - b. Subject matter experts may include DHHS, DAS, SHPO, VA, Hall County Historical Society, City of Grand Island, Hall County, and any tribes or other signatories to this agreement. Each subject matter expert will respond to project review within 21 days of receipt and provide any comment to the PC.
 - c. The PC will synthesize, organize, prioritize and forward the comments on each deliverable to appropriate authors to incorporate and/or discuss comments within 21 days of receipt from subject matter experts.
 - d. The PC will track the review and incorporate into project schedule to maintain milestone deadlines throughout the duration of this PA.
3. Historic Property Identification/Site Survey
 - a. Nebraska SHPO will lead the effort and in consultation with DAS will ensure that a detailed historic property identification report is completed for the Grand Island CNVH. Six buildings on the Property have been previously identified as NRHP eligible. The Property has multiple landscape features, a cemetery, and other buildings that have not been evaluated. The Property resides within the original 640 acre plot as identified in the map shown at Attachment A. The property identification report shall include the following:
 - i. Resource count and detailed description of all features located within the 640 acre Property including but not limited to buildings, sites, structures, objects, landscape features, walkways and connectivity, and the cemetery.
 - ii. Site map identifying all features of property
 - iii. Context documenting the history of the site and its significance within Nebraska state history to support draft NRHP nomination.
 - iv. Recommendations of NRHP eligibility for all features on the site.
 - v. Draft NRHP form.
 - vi. Archeological records search and recommendations for future archeological survey, if needed. No new archeological survey will take place as part of this undertaking.

- b. SHPO will provide comment to report author (through the PC) to reach concurrence with the recommendations in the historic property identification report.
 - c. The historic resources identified in the report will be considered as part of the Management/Redevelopment Plan identified at Stipulation 5 below.
 - d. SHPO in consultation with DAS will finalize the report within six months of the execution of this agreement.
4. Continuation of Maintenance and Services
- a. DHHS will maintain all professional medical services provided at the Property throughout the duration of this PA.
 - b. DHHS will provide annual reports to DAS documenting the retention of patient services at the Property. Report template is located at Attachment G.
 - c. DHHS and DAS will ensure the continued maintenance of all facilities and support resources such as the cemetery and common grounds on the Property throughout the duration of this PA.
5. Management and/or Redevelopment Plan (the Plan)
- a. DAS in cooperation with the City of Grand Island will identify and retain an appropriate professional team to prepare a management and/or redevelopment plan for the property. This team may include planners, realtors, marketing experts, historians, developers, economic development groups, and/or public officials as identified by DAS in consultation with the City of Grand Island. This management/redevelopment plan will address issues such as zoning, cost, and viability of reuse of resources on the property. Issues addressed in the plan should include, but not be limited to the following:
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 - v. Potential use to commemorate or memorialize the service and/or history of state veterans including museum, interpretive center, and continuing active use of the cemetery.
 - vi. Potential for no new appropriate use of the existing Property.
 - vii. Public input on the plan will be sought through a public meeting held in Grand Island.
 - b. DAS will ensure that input from the consulting parties is sought and included in the Plan.
 - c. DAS will ensure that viable potential new uses identified in the plan are publicly advertised and disseminated to appropriate developers, state or federal agencies,

or private parties for potential execution and implementation of recommendations in the Plan.

- d. DAS will finalize the plan within 18 months of the execution of this document.
6. DAS will ensure that all aspects of appropriate Nebraska Revised Statutes pertaining to actions at state-owned properties are met. These laws include the following:
- a. Nebraska Revised Statute 72-810 requires state agencies that propose improvements, alterations, or changes made by the state, its agencies, or departments on or to any historic structure owned by the State of Nebraska shall be in keeping with its historical or architectural significance. Such alterations shall be made according to the standards set by the United States Department of the Interior. No alteration shall be made without review and comment by the Nebraska SHPO. If the state does not agree with the review and comment of the SHPO then a final determination as to what action must be followed by the state shall be made by the Governor.
 - b. Nebraska Revised Statute 72-815 directs the actions of the state regarding vacant buildings and excess land.
 - i. 72-815(2) requires DAS to notify SHPO if a building is to be demolished and allow at least thirty days prior to the beginning of demolition or disassembly for SHPO to collect any photographic or other evidence of historic value.
 - ii. 72-815(3)(a) provides guidance if a building or land is to be sold or leased.
 - iii. 72-815(3)(b) allows state-owned historic buildings listed in the National Register of Historic Places to be sold to a not-for-profit community organization which will maintain the historic integrity of the building.
7. Project Monitoring and Reporting
- a. The PC will report to the signatories of this PA every six months after this agreement is executed on stipulation implementation process. An electronic version of the report may be circulated among the signatories along with an updated calendar of project activity. A report template is found in Attachment F.
 - b. Signatories will have 30 calendar days to provide comments on the bi-annual report and may at that time request a meeting to discuss any comments. If the PC determines a meeting is necessary, he/she will accommodate such a meeting within 60 calendar days of the request.
 - c. Any signatory may request updates to the status of specific stipulations to this agreement throughout the duration of this PA. Requests for updates shall be addressed to the PC. The PC will determine the level of documentation, if any, required by the request.

8.

Cemetery Management

- a. DAS and DHHS will ensure the continued maintenance and protection of the cemetery located within the boundaries of the property. This maintenance and protection shall include at a minimum:
 - i. Maintenance and care of lawn including regular mowing, trimming, and weed management.
 - ii. Protection of the cemetery by continued maintenance of fencing and protective boundary obstacles to general access to the area
 - iii. DAS will identify contract options, operation changes, budget, staff, and management resources to meet the future needs of the cemetery based on visitation and usage during the occupancy of the property. DAS will document how to provide accommodation to the cemetery following construction of the new CNVH at the Kearney location within 36 months of the execution of this agreement.

9. Historic Marker

- a. DAS will produce a historic marker to place along the public roadway system near the property to provide interpretation to the general public.
 - i. The historic marker will be done in cooperation with the Nebraska State Historical Society (NSHS) Historic Marker program.
 - ii. DAS will follow the established guidelines of the NSHS Historic Marker program
 - iii. DAS will install this historic marker within five years of the execution of this PA.

10. Historic Documentation

- a. DAS in consultation with SHPO will retain a qualified professional to research, collect and electronically catalog historic photographs of the Property.
- b. DAS will make these images available to the public by providing them to the Hall County Historical Society for posting on its' web page.
- c. DAS will provide up to five 8 x 10 printed and mounted images to the Hall County Historical Society for display at its discretion at one of its museum facilities.

11. Administrative Stipulations

- a. Duration
 - i. The duration of this PA shall be seven (7) years from the date it is signed by all signatories.
- b. Inadvertent discoveries
 - i. In the event that one or more historic properties are discovered or that unanticipated effects on historic properties are found during the implementation of this PA, DAS shall follow the procedure specific in 36 CFR Part 800.13
- c. Amendments

- i. If one or more signatories determine that an amendment to the PA is needed, the signatories to this PA shall consult to consider such an amendment.
 - ii. The signatories will have 30 calendar days to consider the amendment. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
 - iii. The PC shall notify, within 30 calendar days, all the consulting parties in writing when an amendment to this PA has been executed.
- d. Dispute Resolution
- i. Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, DAS shall consult with such party to resolve the objection. If DAS determines that the objection cannot be resolved, it will:
 1. Provide VA with documentation relevant to the dispute and request its advice on resolution. VA will provide DAS with its advice on how to resolve the objection within 30 days, and DAS and VA shall consult with the party jointly to resolve the objection. If DAS and VA determine that the objection still cannot be resolved, they will:
 - a. Forward all documentation relevant to the dispute, including proposed resolution to the ACHP. The ACHP will provide DAS and VA with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, DAS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. DAS will then proceed according to its final decision.
 - b. If the ACHP does not provide its advice regarding the dispute within the 30 calendar days, DAS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DAS will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.


- c. It is DAS' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.
- e. Termination
 - i. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 11(c) above. If after 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be executed, any signatory may terminate the PA upon written notification to the other signatories.
 - ii. Once the PA is terminated, and prior to work continuing on the undertaking, DAS must either execute a new PA pursuant to 36 CFR Section 800.6, or request, take into account, and respond to the comments of the ACHP under 36 CFR Section 800.7. DAS shall notify the signatories as to the course of action it will pursue.
- f. Anti-Deficiency Act Compliance
 - i. All requirements set forth in this PA requiring expenditure of VA funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Section 1341).
 - ii. No obligation undertaken by the VA under the terms of this PA shall require or be interpreted to require a commitment to expend funds not appropriated for a particular purpose.

EXECUTION of this PA by DAS, DHHS, SHPO, VA, and ACHP and implementation of its terms evidence that VA and DAS have taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

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 THE US DEPARTMENT OF VETERANS AFFAIRS,
 THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES,
 THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES,
 THE NEBRASKA STATE HISTORIC PRESERVATION OFFICE,
 AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
 REGARDING FUNDING THE RELOCATION OF THE CENTRAL NEBRASKA
 VETERANS HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND,
 NEBRASKA.**

CONCURRING PARTIES

Hall County Historical Society



Fred Roeser, President

8-21-15

DATE

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Nebraska Department of Health and Human Services



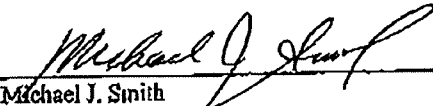
 John Hilgert, Director Veterans Home Services

7/6/15

DATE

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VETERANS HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND,
NEBRASKA


Nebraska State Historic Preservation Officer


Michael J. Smith
State Historic Preservation Officer

07-08-2015
DATE

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VETERANS HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND,
NEBRASKA**

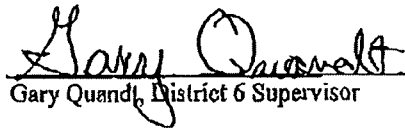
Nebraska Department of Administrative Services


Rodney Anderson, Director, Building Division

7/8/15
DATE

**PROGRAMMATIC AGREEMENT AMONG
 THE US DEPARTMENT OF VETERANS AFFAIRS,
 THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES,
 THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES,
 THE NEBRASKA STATE HISTORIC PRESERVATION OFFICE,
 AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
 REGARDING FUNDING THE RELOCATION OF THE CENTRAL NEBRASKA
 VETERANS HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND,
 NEBRASKA**


Hall County Board of Supervisors


 Gary Quandt, District 6 Supervisor

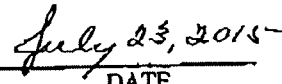
7/24/2015
 DATE

PROGRAMMATIC AGREEMENT AMONG
 THE US DEPARTMENT OF VETERANS AFFAIRS,
 THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES,
 THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES,
 THE NEBRASKA STATE HISTORIC PRESERVATION OFFICE,
 AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
 REGARDING FUNDING THE RELOCATION OF THE CENTRAL NEBRASKA
 VETERANS HOME AT 2300 WEST CAPITAL AVENUE, GRAND ISLAND,
 NEBRASKA

Hall County Board of Supervisors



Pamela E. Lancaster, District 4 Supervisor



DATE

Attachments

Attachment A-Site map/APE

Attachment B- SHPO Section 106 correspondence regarding Kearney site

Attachment C-VA letter delegating Section 106 authority to DAS

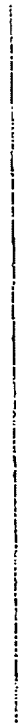
Attachment D-Tribal consultation documents

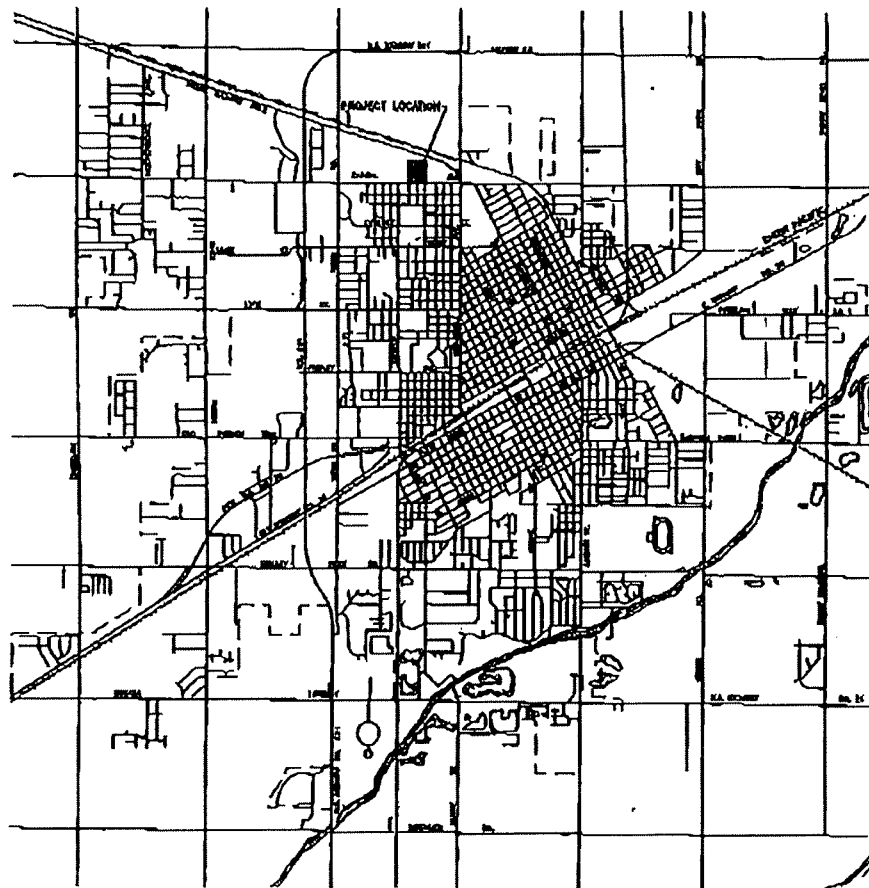
Attachment E-Public meeting notes

Attachment F-Project Directory

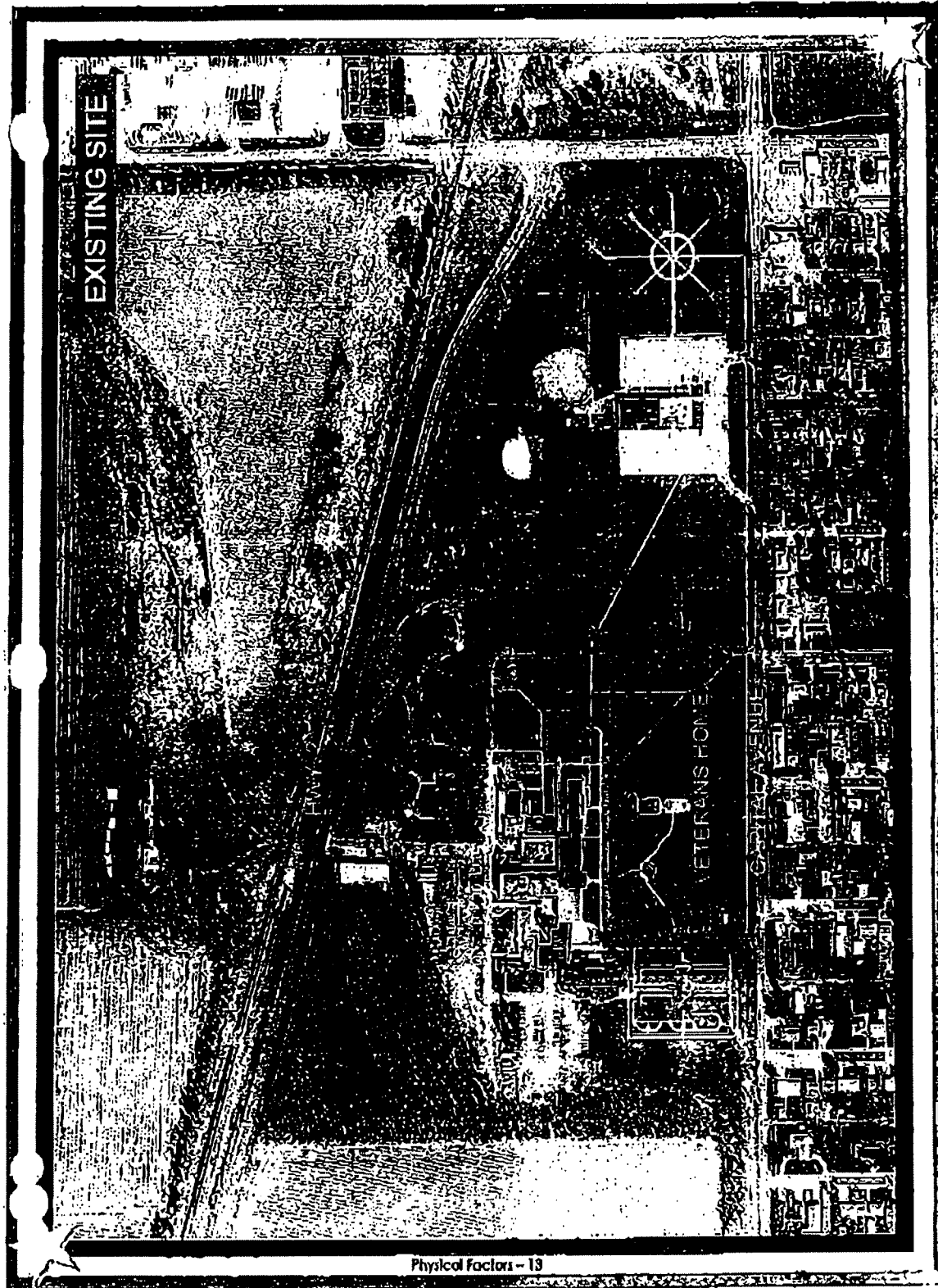
Attachment G-Annual/Bi-Annual Report Template

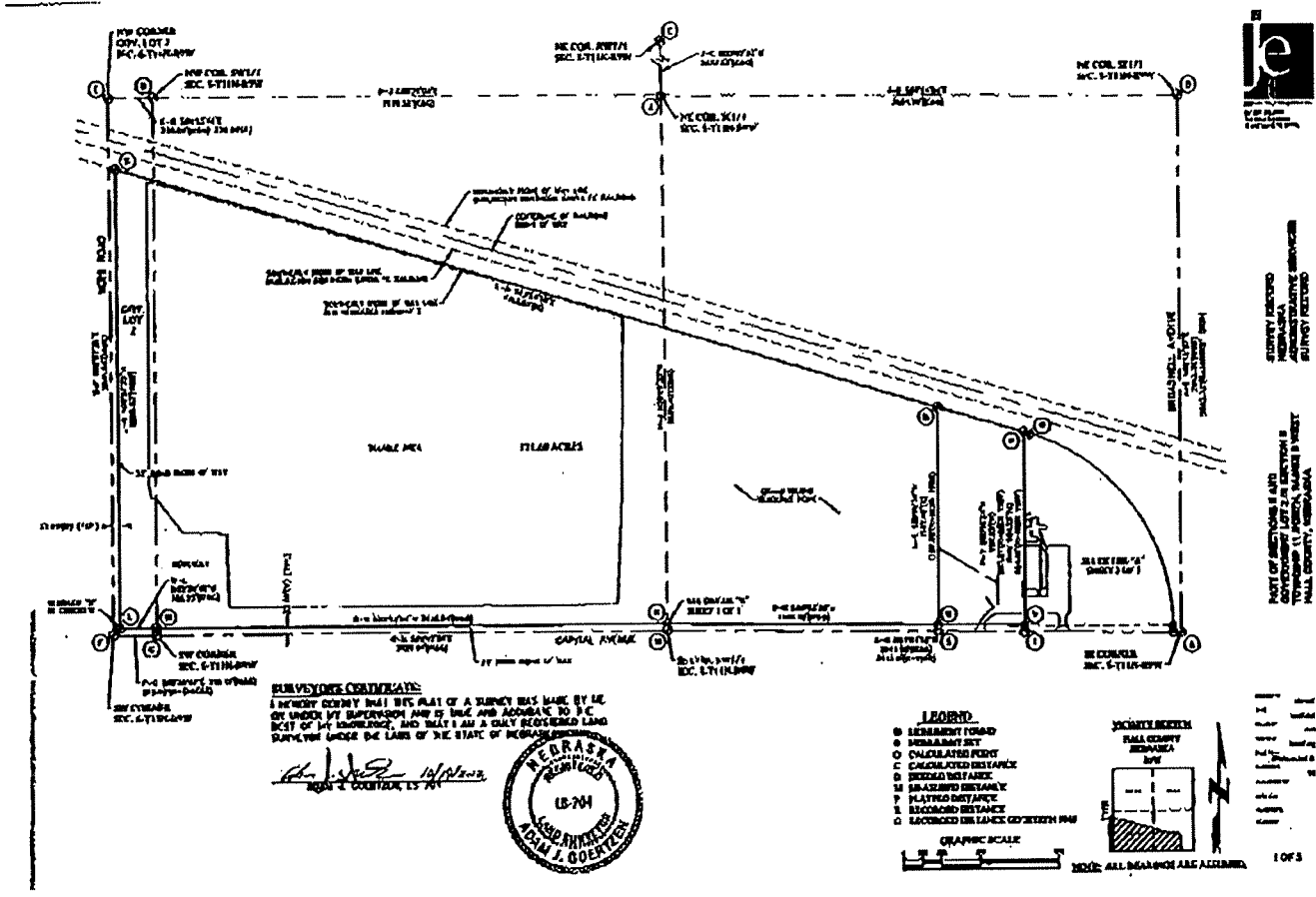
Attachment A
Site and Location Map





N GRAND ISLAND VICINITY MAP
NOT TO SCALE





Attachment B

**SHPO Section 106 Correspondence
Regarding Kearney Site**



11 September 2012

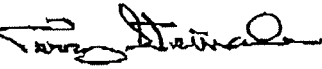
Jacque S. Haupt
Miller & Associates
1111 Central Ave.
Kearney, NE 68847-6833

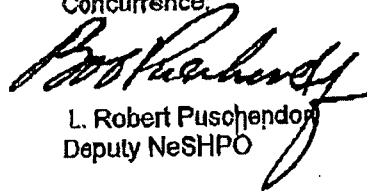
Re: 81 Acre Development
Kearney, NE
130-G1-161
Buffalo Co.
H.P. #1208-131-01

Dear Ms. Haupt:

A review of our files indicates that the referenced project does not contain recorded historic resources. It is our opinion that no survey for unrecorded cultural resources will be required. Your undertaking, in our opinion, will have no effect for archaeological, architectural, or historic properties. This review does not constitute the opinions of any Native American Tribes that may have an interest in Traditional Cultural Properties potentially affected by this project.

There is, however, always the possibility that previously unsuspected archaeological remains may be uncovered during the process of project construction. We therefore request that this office be notified immediately under such circumstances so that an evaluation of the remains may be made, along with recommendations for future action.

Sincerely,

Terry Stejneger
M.F. Archaeologist

Concurrence:

L. Robert Puschendorf
Deputy NeSHPO

1500 R Street
PO Box 8255
Lincoln, NE 68501-255
p: (800) 833-674

ATTACHMENT 3.4

Attachment C

**VA Letter Authorizing Section 106
Authority**

Vertical line of text on the right side of the page, likely a scanning artifact or page number indicator.



Department of Veterans Affairs
Washington DC 20420

April 30, 2014

Mr. L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historical Society
Lincoln, NE 68501

Dear Mr. Puschendorf:

The Nebraska Department of Veteran Affairs (NDVA), in cooperation with the US Department of Veteran Affairs (VA), is proposing to replace the 225-bed state veteran nursing home in Grand Island, Nebraska. The project is eligible for 65% matching funds under the VA State Home Construction Grant Program. The requirements of the VA grant program are available in 38 CFR Part 59. The grant application (FAI# 31-015; Kearney, NE) is not funded by VA at this time. The VA grant supports the construction of a new facility designed in accordance with the VA Community Living Center guidelines.

This VA State Home Construction grant is a federal undertaking subject to National Historic Preservation Act Section 106 consultation. VA authorizes the grant applicant, NDVA, to initiate consultation with your office and other stakeholders, in accord with 36 CFR Part 600.2(c)(4).

The VA State Home Construction Grant Program will continue to play a key role in this project as the responsible government entity and remains responsible for all determinations and findings. VA also remains responsible for consultation with federally-recognized tribes.

Should you have any questions about this project, please contact me at 202.632.7898 or Anna Gaug at 202.632.7435.

Sincerely,

A handwritten signature in cursive script that reads "Vernon Wilkes".

Vernon Wilkes, Deputy Director
State Home Construction Grant Program
VA Office of Capital Asset Management and
Engineering Support

Attachment D
Tribal Consultation

Tribes Invited to Participate

Iowa Tribe of Kansas and Nebraska
Lance Foster, THPO
3345 B Thrasher Road
White Cloud, KS 66094

Omaha Tribe
Thomas Parker, THPO
PO Box 368
Macy, NE 68039

Pawnee Nation of Oklahoma
Kelly Poolaw, THPO
P.O. Box 470
657 Harrison Street
Pawnee, OK 74058
918-762-3227
ablack@pawneenation.org

Ponca Tribe of Nebraska
Randy Teboe, THPO
PO Box 288
Niobrara, NE 68760

Santee Sioux Tribe
Rick Thomas, THPO
52948 Highway 12
Niobrara, NE 68760

Winnebago Tribe
Emily DeLeon, THPO
PO Box 687
Winnebago, NE 69071



Department of Veterans Affairs
Washington DC 20420

June 3, 2015

Lance Foster, THPO
3345 B Thrasher Road
White Cloud, KS 68094

Dear Lance Foster:

The Nebraska Department of Veteran Affairs (NDVA), with a grant from the U.S. Department of Veteran Affairs (VA), is proposing to build a 225-bed veteran nursing home in Kearney, Nebraska with plans to determine the future of historically significant buildings on the Grand Island Veterans Home campus. The requirements of the VA State Home Construction Grant Program are available in 38 CFR Part 59. The VA grant will support construction of a new facility on state-owned land designed in accordance with VA Community Living Center guidelines available at www.cfm.va.gov/dqCLC.

Due to the VA grant, plans for development of the veteran nursing home is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (36 CFR Part 800), the National Environmental Policy Act, the Native American Religious Freedom Act, and other laws requiring federal agencies to consider and consult about the effects of proposed projects. If you so desire, we would like to initiate consultation with your tribal government to identify any environmental or cultural concerns with the proposed project.

Given the connection that the NDVA has with its stakeholders, VA is asking NDVA to coordinate consultation. However, recognizing the special relationship between the U.S. and tribal governments, VA is ready to consult directly with you, if that is your preference. Your response to this letter, expressing your interest in consulting on this undertaking and confirming your tribe's point of contact or advising us that you do not wish to consult, is greatly appreciated.

If you have additional questions, Fred Zarate (fred.zarate@nebraska.gov) is the state point of contact for the Kearney/Grand Island construction project. Anna Gaug (Anna.Gaug@va.gov) is the point of contact for the VA grant program. VA grant program documents are available at <http://www.nasvh.org/Links/vaConstruction>.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vernon Wilkes".

Vernon Wilkes
VA State Home Construction Grants
810 Vermont Ave, NW
Washington, DC 20420

cc: Fred Zarate, State of Nebraska
Doug Pulak, VA Historic Preservation Office



Department of Veterans Affairs
Washington DC 20420

June 3, 2015

Thomas Parker, THPO
PO Box 368
Macy, NE 68039

Dear Thomas Parker:

The Nebraska Department of Veteran Affairs (NDVA), with a grant from the U.S. Department of Veteran Affairs (VA), is proposing to build a 225-bed veteran nursing home in Kearney, Nebraska with plans to determine the future of historically significant buildings on the Grand Island Veterans Home campus. The requirements of the VA State Home Construction Grant Program are available in 38 CFR Part 59. The VA grant will support construction of a new facility on state-owned land designed in accordance with VA Community Living Center guidelines available at www.cfm.va.gov/dgCLC.

Due to the VA grant, plans for development of the veteran nursing home is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (36 CFR Part 800), the National Environmental Policy Act, the Native American Religious Freedom Act, and other laws requiring federal agencies to consider and consult about the effects of proposed projects. If you so desire, we would like to initiate consultation with your tribal government to identify any environmental or cultural concerns with the proposed project.

Given the connection that the NDVA has with its stakeholders, VA is asking NDVA to coordinate consultation. However, recognizing the special relationship between the U.S. and tribal governments, VA is ready to consult directly with you, if that is your preference. Your response to this letter, expressing your interest in consulting on this undertaking and confirming your tribe's point of contact or advising us that you do not wish to consult, is greatly appreciated.

If you have additional questions, Fred Zarate (fred.zarate@nebraska.gov) is the state point of contact for the Kearney/Grand Island construction project. Anna Gaug (Anna.Gaug@va.gov) is the point of contact for the VA grant program. VA grant program documents are available at <http://www.nasvh.org/Links/vaConstruction>.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vernon Wilkes".

Vernon Wilkes
VA State Home Construction Grants
810 Vermont Ave, NW
Washington, DC 20420

cc: Fred Zarate, State of Nebraska
Doug Pulak, VA Historic Preservation Office



Department of Veterans Affairs
Washington DC 20420

June 3, 2015

Kellie J. Poolaw, THPO
657 Harrison Street
Pawnee, OK 74058

Dear Kellie J. Poolaw:

The Nebraska Department of Veteran Affairs (NDVA), with a grant from the U.S. Department of Veteran Affairs (VA), is proposing to build a 225-bed veteran nursing home in Kearney, Nebraska with plans to determine the future of historically significant buildings on the Grand Island Veterans Home campus. The requirements of the VA State Home Construction Grant Program are available in 38 CFR Part 59. The VA grant will support construction of a new facility on state-owned land designed in accordance with VA Community Living Center guidelines available at www.cfm.va.gov/dgCLC.

Due to the VA grant, plans for development of the veteran nursing home is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (36 CFR Part 800), the National Environmental Policy Act, the Native American Religious Freedom Act, and other laws requiring federal agencies to consider and consult about the effects of proposed projects. If you so desire, we would like to initiate consultation with your tribal government to identify any environmental or cultural concerns with the proposed project.

Given the connection that the NDVA has with its stakeholders, VA is asking NDVA to coordinate consultation. However, recognizing the special relationship between the U.S. and tribal governments, VA is ready to consult directly with you, if that is your preference. Your response to this letter, expressing your interest in consulting on this undertaking and confirming your tribe's point of contact or advising us that you do not wish to consult, is greatly appreciated.

If you have additional questions, Fred Zarate (fred.zarate@nebraska.gov) is the state point of contact for the Kearney/Grand Island construction project. Anna Gaug (Anna.Gaug@va.gov) is the point of contact for the VA grant program. VA grant program documents are available at <http://www.nasvh.org/Links/vaConstruction>.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vernon Wilkes".

Vernon Wilkes
VA State Home Construction Grants
810 Vermont Ave, NW
Washington, DC 20420

cc: Fred Zarate, State of Nebraska
Doug Pulak, VA Historic Preservation Office



Department of Veterans Affairs
Washington DC 20420

June 3, 2015

Randy Teboe, THPO
PO Box 288
Niobrara, NE 68760

Dear Randy Teboe:

The Nebraska Department of Veteran Affairs (NDVA), with a grant from the U.S. Department of Veteran Affairs (VA), is proposing to build a 225-bed veteran nursing home in Kearney, Nebraska with plans to determine the future of historically significant buildings on the Grand Island Veterans Home campus. The requirements of the VA State Home Construction Grant Program are available in 38 CFR Part 59. The VA grant will support construction of a new facility on state-owned land designed in accordance with VA Community Living Center guidelines available at www.cfm.va.gov/dgCLC.

Due to the VA grant, plans for development of the veteran nursing home is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (36 CFR Part 800), the National Environmental Policy Act, the Native American Religious Freedom Act, and other laws requiring federal agencies to consider and consult about the effects of proposed projects. If you so desire, we would like to initiate consultation with your tribal government to identify any environmental or cultural concerns with the proposed project.

Given the connection that the NDVA has with its stakeholders, VA is asking NDVA to coordinate consultation. However, recognizing the special relationship between the U.S. and tribal governments, VA is ready to consult directly with you, if that is your preference. Your response to this letter, expressing your interest in consulting on this undertaking and confirming your tribe's point of contact or advising us that you do not wish to consult, is greatly appreciated.

If you have additional questions, Fred Zarate (fred.zarate@nebraska.gov) is the state point of contact for the Kearney/Grand Island construction project. Anna Gaug (Anna.Gaug@va.gov) is the point of contact for the VA grant program. VA grant program documents are available at <http://www.nasvh.org/Links/vaConstruction>.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Wilkes".

Vernon Wilkes
VA State Home Construction Grants
810 Vermont Ave, NW
Washington, DC 20420

cc: Fred Zarate, State of Nebraska
Doug Pulak, VA Historic Preservation Office



Department of Veterans Affairs
Washington DC 20420

June 3, 2016

Rick Thomas, THPO
52948 Highway 12
Noborara, NE 68760

Dear Rick Thomas:

The Nebraska Department of Veteran Affairs (NDVA), with a grant from the U.S. Department of Veteran Affairs (VA), is proposing to build a 226-bed veteran nursing home in Kearney, Nebraska with plans to determine the future of historically significant buildings on the Grand Island Veterans Home campus. The requirements of the VA State Home Construction Grant Program are available in 38 CFR Part 59. The VA grant will support construction of a new facility on state-owned land designed in accordance with VA Community Living Center guidelines available at www.cfm.va.gov/dgCLC.

Due to the VA grant, plans for development of the veteran nursing home is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (36 CFR Part 800), the National Environmental Policy Act, the Native American Religious Freedom Act, and other laws requiring federal agencies to consider and consult about the effects of proposed projects. If you so desire, we would like to initiate consultation with your tribal government to identify any environmental or cultural concerns with the proposed project.

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Sincerely,

Vernon Wilkes
VA State Home Construction Grants
810 Vermont Ave. NW
Washington, DC 20420

cc: Fred Zarate, State of Nebraska
Doug Pulak, VA Historic Preservation Office



Department of Veterans Affairs
Washington DC 20420

June 3, 2015

Emily DeLeon, THPO
PO Box 687
Winnebago, NE 69071

Dear Emily DeLeon:

The Nebraska Department of Veteran Affairs (NDVA), with a grant from the U.S. Department of Veteran Affairs (VA), is proposing to build a 225-bed veteran nursing home in Kearney, Nebraska with plans to determine the future of historically significant buildings on the Grand Island Veterans Home campus. The requirements of the VA State Home Construction Grant Program are available in 38 CFR Part 69. The VA grant will support construction of a new facility on state-owned land designed in accordance with VA Community Living Center guidelines available at www.cfm.va.gov/dgCLC.

Due to the VA grant, plans for development of the veteran nursing home is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (38 CFR Part 800), the National Environmental Policy Act, the Native American Religious Freedom Act, and other laws requiring federal agencies to consider and consult about the effects of proposed projects. If you so desire, we would like to initiate consultation with your tribal government to identify any environmental or cultural concerns with the proposed project.

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Sincerely,

Vernon Wilkes
VA State Home Construction Grants
810 Vermont Ave, NW
Washington, DC 20420

cc: Fred Zarate, State of Nebraska
Doug Pulak, VA Historic Preservation Office

Attachment E
Public Meeting Notes

Meeting Notes

December 17, 2014

Grand Island Veterans Home Section 106 Kick-Off meeting

Attending: Fred Zarate, DAS; Jill Dolberg, NSHS; Melissa Dirr Gengler, HRG, Inc.; Chris

Daniel, ACHP; and

Doug Pulak, VA

Invited parties present from the Vietnam Veterans of America, Hall County Historical Society, American Legion, Disabled American Veterans, and the Nebraska Veterans Home Board

The following describes the meeting activity:

The meeting was opened with a welcome and brief explanation of the project by Fred Zarate at DAS.

After team introductions, Melissa provided an overview presentation showing the buildings on the campus and identifying the actions to date for this project.

Doug then described the VA involvement in the process as well as a potential timeline for completion of Section 106.

Chris from ACHP confirmed that this meeting was a good early start between state and federal agencies. Fred identified a goal for completion of Section 106 coordination as early as June 15, 2015.

Doug explained the process, the potential outcomes (i.e. project effects), and Chris contributed with the

description of how the process could be met through a Programmatic Agreement in attempts to efficiently facilitate time constraints as effectively as possible.

The following comments were shared by those attending the meeting:

- Important to take care of the veterans living in the home in a timely manner. The sooner they are moved in to a new location the better.
- Hall County Historical Society identified that the complex is a local landmark in Hall County and if a future use is identified for the property its preservation would be preferred. Effort should be made to identify a potential use for the property.
- Important to listen and learn the opinions and views of the residents and veteran community. Time is an issue and questions why a project and construction should take so long. Hard to believe it takes 4-5 years for construction.
- Some frustration from the project not moving more rapidly to sign contract and move dirt. Concern expressed that delay could result in cost overruns. The process should have started when award was announced.
- The VA still has to approve the grant, so the Section 106 process is not standing in the way.

The input shard now is what needs to happen to fulfill commitments.

- Is it possible that the existing site be expanded and used as a state veterans cemetery and the buildings retained and used as a museum with historic value to honor the veterans in Nebraska. Many veterans are now buried in civilian cemeteries not veterans cemeteries. Make the existing cemetery open to all state veterans. Maintain buildings that exist and the chapel as a state veterans museum. This would require legislation and funding.
- Every effort should be made to identify all groups that may have an interest in participating in the process such as the auxiliary groups and Veterans of Foreign Wars.

Attachment F
Project Directory

Project Directory

Project Contact

Fred Zarate, AIA
Architect / Project Manager
Nebraska Department of Administrative Services (DAS)
1526 K Street – Suite 200
Lincoln, NE 68508
(402) 471-0414
fred.zarate@nebraska.gov

Nebraska SHPO

Jill E. Dolberg
Review and Compliance Coordinator
Nebraska State Historical Society
1500 "R" Street
PO Box 82554
Lincoln, NE 68501
Phone: (402) 471-4773
jill.dolberg@nebraska.gov

Michael J. Smith

Nebraska State Historic Preservation Officer
Nebraska State Historical Society
1550 "R" Street
PO Box 82554
Lincoln, NE 68501

Nebraska Department of Health and Human Services

John Hilgert
Department of Health and Human Services
Director Veterans Homes Division
PO Box 95083
301 Centennial Mall South, 6th Floor
Lincoln, NE 68509
John.hilgert@nebraska.gov
402-471-2458

Hall County Historical Society

Fred Roeser, President
P.O. Box 1683
Grand Island, NE 68802

U.S. Department of Veterans Affairs

Vernon Wilkes
State Home Grants Program
Office of Capital Asset Management, Engineering and Support
810 Vermont Avenue, NW
Washington, D.C. 20005
202-632-7898
Vernon.wilkes@va.gov

U.S. Department of Veterans Affairs

Doug Pulak
Historic Preservation Office (003C2)
Office of Construction & Facilities Management
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
Douglas.pulak@va.gov
202-632-5462

Advisory Council on Historic Preservation

Christopher Daniel
Program Analyst, Department of Veterans Affairs Liaison
401 F Street NW, Suite 308
Washington DC 20001-2637
(o) 202.517.0223 (m) 202.280.9076
cdaniel@achp.gov

City of Grand Island
Jeremy Jensen
City of Grand Island Mayor
100 East First Street
Grand Island, NE 68801
PO Box 1968
Grand Island, NE 68802-1968
(308) 385-5444 ext. 140
mayorjensen@grand-island.com

Hall County Board of Supervisors
Supervisor Pamela Lancaster
2809 Apache Road
Grand Island, NE 68801
308-381-2754
pamll@hallcountyne.gov

Supervisor Gary Quandt
609 W 14th Street
Grand Island, NE 68801
308-382-8255
garyq@hallcountyne.gov

Stacey Ruzicka
Hall County Board Assistant
308-385-5093
staceyr@hcgi.org

Nebraska Department of Administrative Services
Rodney Anderson
Director of Department of Administrative Services Building Division
1526 K Street – Suite 200
Lincoln, NE 68508
402-471-3191
Rodney.anderson@nebraska.gov

Veterans Agencies Participating in Consultation
Dennis M. Schissel
Vietnam Veterans of America
1221 Co. Rd. 22 Westen, NE 68070
schissel@nntc.net

Tom Brown
Vietnam Veterans of America
6789 County Road 32
Fort Calhoun, NE 68029
tombrown@hunte.net

Dottie Barickman
Vietnam Veterans of America
Nebraska State Council
712-314-1808
Dbrickman@hotmail.com

William Rosier
American Legion
1202 11th Ave.
Kearney, NE 68845

William C. Ogle
Disabled American Veterans of Nebraska
5820 53rd Ave.
Kearney, NE 68845

Greg Holloway
Nebraska Veterans Home Board
PO Box 96
Bec, NE 68314

Attachment G

**Annual/Semi-Annual Report
Template**

**Nebraska Department of Administrative Services
Annual Report for Project Activity
Regarding the Central Nebraska Veterans Home**

Date:

Report Prepared By:

Describe Project Activity:

Describe DAS consultation efforts:
(Include any pertinent emails/correspondence to document consultation)

Supporting Documentation (if necessary):

Submitted by:
DAS Project Contact / date

**Nebraska Department of Administrative Services
Annual Report for Project Activity
Regarding the Central Nebraska Veterans Home**

Date:

Report Prepared By:

Describe Project Activity:

Describe DAS consultation efforts:
(Include any pertinent emails/correspondence to document consultation)

Supporting Documentation (if necessary):

Submitted by:
DAS Project Contact / date

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
THE STATE OF NEBRASKA AND THE CITY OF GRAND ISLAND
REGARDING TRANSFER OF
CENTRAL NEBRASKA VETERANS HOME LANDS AND BUILDINGS**

THIS MEMORANDUM OF AGREEMENT by and between THE STATE OF NEBRASKA, by and through its Department of Administrative Services, herein referred to as "STATE," and THE CITY OF GRAND ISLAND, NEBRASKA, a municipal corporation and a political subdivision of the State of Nebraska, herein referred to as "CITY".

WHEREAS, STATE owns and operates the Central Nebraska Veterans Home currently located in Grand Island, Nebraska, herein referred to as "GIVH"; and

WHEREAS, STATE is in the process of designing and contracting for the construction of a new Central Nebraska Veterans Home in Kearney, Nebraska, herein referred to as "KVH"; and

WHEREAS, upon completion of the KVH, the residents of GIVH will be relocated to KVH and GIVH will be vacated; and

WHEREAS, the real estate comprising the entirety of the original GIVH, being all of Section Five (5), in Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska, was conveyed to STATE in 1887 in two parcels, each for the sum of "one-dollar and the location at Grand Island of the Soldiers' and Sailors' Home"; and

WHEREAS, of the original 640 acres conveyed to STATE approximately 30 acres are actually used to house veterans and their spouses; and

WHEREAS, the real estate as described in "Exhibit A," attached hereto and herein referred to as the "GIVH Phase I Real Estate," is comprised of agricultural lands and lands leased to CITY for recreational uses; and

WHEREAS, the GIVH Phase I Real Estate is excess land as defined by Neb.Rev.Stat. Sec. 72-811(2); and

WHEREAS, STATE desires to dispose of GIVH Phase I Real Estate to CITY and CITY desires to acquire GIVH Phase I Real Estate from STATE; and

WHEREAS, upon completion of KVH and the vacating of GIVH, STATE intends to convey to CITY the remaining GIVH real estate consisting of the Veterans Home Campus, Veterans Cemetery, and parking area leased to the United Veterans Club, contingent upon the

parties' mutual consent to the terms and conditions of such transfer including, but not limited to, CITY's covenant to provide continuing maintenance of the Veterans Cemetery and to protect the same from commercial and residential encroachment through greenspace buffer or the addition of public cemetery areas.

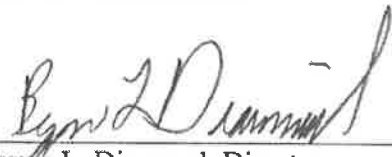
NOW, THEREFORE, STATE and CITY agree as follows:

1. The recitals above are incorporated into and made a part of this Memorandum of Agreement.
2. STATE shall take such action as necessary to convey to CITY by Quitclaim Deed the GIVH Phase I Real Estate.
3. Following transfer of Central Nebraska Veterans Home residents and operational and administrative staff to KVH, and contingent upon the STATE's Vacant Building and Excess Land Committee making findings and determinations that the remaining GIVH property is vacant and excess and the making of appropriate recommendations as required by statute, STATE shall offer to convey to CITY the remaining real estate and improvements comprising GIVH located in a part of the South Half (S½) of Section Five (5), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, and consisting of: Veterans Home Campus; Veterans Cemetery; paved parking area currently leased to the United Veterans Club; and any other land that has not been otherwise sold or permanently disposed of as part of GIVH, herein referred to as the "GIVH Phase II Real Estate."
4. Upon acceptance by the CITY of the GIVH Phase II Real Estate upon such reasonable terms and conditions as mutually agreed to by the parties, CITY shall:
 - a. Accommodate the needs of the United Veterans Club to continue its leasehold interest in and to the 10.667 acres consisting of the parking lot for the United Veterans Club;
 - b. Provide continuing maintenance of the Veterans Cemetery and protect the same from commercial and residential encroachment through greenspace buffer or the addition of public cemetery areas; and
 - c. Assume the duties and obligations of the State Building Division of the Nebraska Department of Administrative Services and the STATE under the Programmatic Agreement among the US Department of Veterans Affairs, the Nebraska

Department of Administrative Services, the Nebraska Department of Health and Human Services, the Nebraska State Historic Preservation Office and the Advisory Council on Historic Preservation Regarding the Relocation of the Central Nebraska Veterans Home at 2300 West Capital Avenue, Grand Island, Nebraska.

5. With respect to any Real Estate transferred by STATE and accepted by CITY, CITY shall defend and hold harmless STATE and the transferred lands from any and all claims, suits, or other alternative dispute resolution proceedings, of and by any other parties that may allege a superior ownership or possessory right to the land, or any portion thereof, including any suits for damages, claims, or equitable remedies.

STATE OF NEBRASKA

By  Date: April 20, 2016.
Byron L. Diamond, Director
Department of Administrative Services

CITY OF GRAND ISLAND

By  Date: March 23, 2016.
Jeremy Jensen, Mayor

Attest:


RaNae Edward, City Clerk

EXHIBIT A

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 IN SECTION 6 AND THE SOUTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH P.M., HALL COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE N00°12'38"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITAL AVENUE; THENCE S89°42'04"E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 357.49 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 201306652; THENCE N00°17'56"E ON THE WEST LINE OF SAID PARCEL, A DISTANCE OF 44.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE POINT OF BEGINNING; THENCE N00°17'56"E, A DISTANCE OF 397.98 FEET; THENCE N89°42'04"W, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 271.42 FEET; THENCE N00°12'38"W, A DISTANCE OF 44.00 FEET; THENCE N86°45'43"W, A DISTANCE OF 279.21 FEET TO THE EAST RIGHT OF WAY LINE OF WEBB ROAD; THENCE N00°27'35"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1759.63 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF OLD NEBRASKA HIGHWAY 2, AS DESCRIBED AND RECORDED IN MISC. RECORD U, PAGE 486; THENCE S73°54'50"E ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2753.58 FEET; THENCE S00°09'33"E, PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1466.65 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITAL AVENUE AS DESCRIBED AND RECORDED IN SAID INSTRUMENT NO. 201306652; THENCE N89°42'04"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 2087.48 FEET TO THE POINT OF BEGINNING, CONTAINING 106.12 ACRES, MORE OR LESS.

TOGETHER WITH

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 IN SECTION 6 AND A PART OF SECTION 5, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH P.M., HALL COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5; THENCE N00°10'40"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2301.63 FEET TO THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 281, AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 83-004149; THENCE N85°41'48"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1395.99 FEET; THENCE N87°17'06"E, CONTINUING ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 600.49 FEET; THENCE S88°55'38"E, CONTINUING ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 636.96 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S88°10'20"E, CONTINUING ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 509.71 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-108524; THENCE S00°02'26"W ON THE WEST LINE OF TWO PARCELS OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-108524; THENCE S00°02'26"W ON THE WEST LINE OF TWO PARCELS OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-108524 AND 97-104174, A DISTANCE OF 1147.05 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 97-104174; THENCE S88°58'32"E ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 69.15 FEET TO

THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 201001127; THENCE S00°11'25"W ON THE WEST LINE OF SAID PARCEL, A DISTANCE OF 59.94 FEET; THENCE N89°01'12"W, CONTINUING ON SAID WEST LINE, A DISTANCE OF 68.99 FEET; THENCE S00°02'26"W, CONTINUING ON SAID WEST LINE, A DISTANCE OF 1630.88 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE S89°25'27"E ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 1748.67 FEET; THENCE N28°33'31"E, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 250.49 FEET; THENCE S88°45'38"E, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 254.60 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND THE WEST RIGHT OF WAY LINE OF BROADWELL AVENUE; THENCE S00°15'58"W ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1444.91 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY, AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 201300944; THENCE N73°53'50"W ON SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5664.36 FEET TO THE EAST RIGHT OF WAY LINE OF WEBB ROAD; THENCE N00°24'09"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 108.45 FEET TO THE NORTH LINE OF GOVERNMENT LOT 2 IN SECTION 6; THENCE S89°55'46"E ON SAID NORTH LINE, A DISTANCE OF 197.73 FEET TO THE POINT OF BEGINNING, CONTAINING 264.02 ACRES, MORE OR LESS.

TOGETHER WITH

A TRACT OF LAND LOCATED IN PART OF THE EAST HALF (E1/2) OF SECTION FIVE (5), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER (E1/4) CORNER OF SECTION 5-T11N-R9W; THENCE ON AN ASSUMED BEARING OF N88°50'06"W UPON THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 5 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY (ROW) LINE OF BROADWELL AVENUE; THENCE S00°51'43"W UPON AND ALONG SAID WESTERLY ROW LINE A DISTANCE OF 179.46 FEET; THENCE N88°10'08"W A DISTANCE OF 254.75 FEET; THENCE S29°09'23"W A DISTANCE OF 250.49 FEET; THENCE N88°50'06"W PARALLEL WITH SAID SOUTH LINE OF NE1/4 A DISTANCE OF 1748.67 FEET; THENCE N00°37'43"E A DISTANCE OF 397.71 FEET TO SAID SOUTH LINE OF THE NE1/4; THENCE N00°37'43"E A DISTANCE OF 1233.17 FEET; THENCE S88°25'59"E A DISTANCE OF 69.05 FEET; THENCE N00°43'20"E A DISTANCE OF 59.94 FEET; THENCE S88°21'19"E A DISTANCE OF 259.64 FEET; THENCE S88°20'18"E A DISTANCE OF 498.58 FEET; THENCE S88°24'58"E A DISTANCE OF 1150.41 FEET TO A POINT BEING ON SAID WESTERLY ROW LINE OF BROADWELL AVENUE, SAID POINT ALSO BEING THE WESTERLY LINE OF NEBRASKA STATE ROW DESCRIBED IN STATE OF NEBRASKA DEPARTMENT OF ROADS DOCUMENT NO. 93-104239, RECORDED MAY 26, 1993, REGISTER OF DEEDS, HALL COUNTY, NEBRASKA; THENCE S11°16'37"E UPON AND ALONG SAID WESTERLY ROW LINES OF BROADWELL AVENUE AND STATE DEED A DISTANCE OF 212.80 FEET; THENCE S00°38'41"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 489.24 FEET; THENCE S20°27'26"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 243.20 FEET; THENCE S00°00'05"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 354.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL IMPROVEMENTS THERON AND ALL RIGHTS AND APPURTENANCES APPERTAINING THERETO, AND ALL OF SELLER'S RIGHTS AND INTEREST, IF ANY, IN AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, AND ALLEYS, HIGHWAYS, OR STREETS IN, ON, ACROSS, OR ADJOINING THE LAND.

SAID CONVEYANCE COLLECTIVELY CONTAINS 448.52 ACRES, MORE OR LESS, AND HAVING A LOCATION LOCALLY DESCRIBED AS THE GRAND ISLAND VETERANS HOME RECREATION AREA AND FARMLAND.