

RESOLUTION 09-04

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, BAR M R, INC., a Nebraska Corporation, is the owner of the following described real estate, to-wit:

Three (3) tracts of land in Section Thirty (30), Township Nine (9) North, Range Twenty-One (21) West of the 6<sup>th</sup> P.M., Dawson County, Nebraska, legally described as follows:

TRACT A

A tract of land being part of the West Half (W $\frac{1}{2}$ ) of Section Thirty (30), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 30 and assuming the West line of the Southwest Quarter as bearing S 00°04'38" E and all bearings contained herein are relative thereto; thence S 00°04'38" E on said West line a distance of 161.75 feet; thence S 71°43'41" E a distance of 1018.78 feet; thence Northwesterly along a non-tangent curve to the right, having a central angle of 55°35'07", a radius of 1411.27 feet, an arc length of 1369.14 feet and a chord bearing N 47°21'46" W a distance of 1316.07 feet to the West line of said Northwest Quarter; thence S 00°03'46" E on said West line of said Northwest Quarter a distance of 410.25 feet to the place of beginning. Containing 3.03 acres, more or less.

TRACT B

A tract of land being part of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Thirty (30), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 30 and assuming the West line of the Southwest Quarter as bearing S 00°04'38" E and all bearings contained herein are relative thereto; thence S 00°04'38" E on said West line a distance of 161.75 feet; thence S 71°43'41" E a distance of 1018.78 feet to the ACTUAL POINT OF BEGINNING; thence S 56°39'22" E a distance of 101.11 feet; thence S 82°55'29" E a distance of 207.05 feet; thence N 67°32'38" E a distance of 88.92 feet; thence Westerly along a non-tangent curve to the right having a central angle of 15°16'18",

a radius of 1411.27 feet, an arc length of 376.16 feet, and a chord bearing N 82°47'25" W a distance of 375.05 feet to the point of beginning. Containing 0.22 acres, more or less.

TRACT C

A tract of land being part of the West Half (W½) of Section Thirty (30), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 30 and assuming the East line of said West half as bearing S 00°02'03" E and all bearings contained herein are relative thereto; thence S 00°02'03" E and on said East line a distance of 2269.40 feet to the ACTUAL POINT OF BEGINNING; thence S 00°02'03" E continuing on said East line a distance of 901.37 feet; thence N 83°15'08" W a distance of 821.33 feet; thence Northeasterly along a non-tangent curve to the left having a central angle of 47°53'18", a radius of 1411.27 feet, an arc length of 1179.55 feet and a chord bearing N 45°21'44" E a distance of 1145.52 feet to the point of beginning. Containing 6.29 acres, more or less.

and

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from BAR M R, INC., a Nebraska Corporation, on the real estate legally described hereinabove and BAR M R, INC., a Nebraska Corporation, is desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and BAR M R, INC., a Nebraska Corporation, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2003), on January 27, 2009, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2003) on February 4, 2009, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

Resolution moved by Council Member John Salem

Seconded by Council Member Linda Miller

Vote:

Mayor Fagot: For X ; Against \_\_\_ ; Abstained \_\_\_ ; Not Present \_\_\_

Council Member Tomasek: For X ; Against \_\_\_ ; Abstained \_\_\_ ; Not Present \_\_\_

Council Member Bennett: For X ; Against \_\_\_ ; Abstained \_\_\_ ; Not Present \_\_\_

Council Member Miller: For X ; Against \_\_\_ ; Abstained \_\_\_ ; Not Present \_\_\_

Council Member Salem: For X ; Against \_\_\_ ; Abstained \_\_\_ ; Not Present \_\_\_

PASSED AND ADOPTED this 10<sup>th</sup> day of February, 2009.

 Seal  
Pamela Berke  
Pam Berke, City Clerk

CITY OF LEXINGTON

John Fagot  
John Fagot, Mayor