

RESOLUTION NO. 2013-19

A RESOLUTION APPROVING THE RELEASE OF A CONSERVATION EASEMENT BY CENTRAL PLATTE NATURAL RESOURCES DISTRICT AND APPROVING A CONSERVATION EASEMENT FOR THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, JOHN R. SNIDER, a single person; REGINA HOWARD and CRAIG HOWARD, wife and husband; LARRY SNIDER and LISA SNIDER, husband and wife; and STACEY LYNN SNIDER-SIMON and BRIAN SNIDER-SIMON, wife and husband (hereinafter referred to as "Tract 1 Owners") are the owners of the following-described real estate, to-wit:

All that portion of Government Lots Two (2) and Three (3) of Section Twenty-nine (29), Township Nine (9) North, Range Twenty-one (21) West of the 6th P.M. in Dawson County, Nebraska, described more particularly as follows: Commencing at the Northwest corner of Lot Two (2); thence East along the North line of Lots Two (2) and Three (3) to the Northeast corner of Lot Three (3); thence South along the East line of Lot Three (3), a distance of approximately One Thousand Three Hundred Seventy feet (1370.0') to an established fence line; thence West, a distance of approximately One Thousand One Hundred feet (1100.0') to a point where the fence line makes a right angle to the North; thence North along said fence line, a distance of approximately Sixty-five feet (65.0') to a point where the fence line makes a right angle to the West; thence West along said fence line, a distance of approximately Eight Hundred Ninety feet (890.0') to a point where the fence line makes a right angle to the South; thence South along said fence line, a distance of approximately Sixty-five feet (65.0') to a point where the fence line makes a right angle to the West; thence West along said fence line to a point on the West line of Government Lot Two (2); thence North along the West line of Government Lot Two (2) to the place of beginning.

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and Lot One (1) of Section Twenty-Nine (29), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska, EXCEPT part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-Nine (29), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., more particularly described as follows: Commencing at a point on the West line of said Section Twenty-Nine (29), 281 feet South of the Northwest Corner of said Section as a place of beginning; Thence East at right angles 267 feet; Thence South at right angles for a distance of 200 feet; Thence West at right angles for a distance of 267 feet to the West line of said Section Twenty-Nine (29); Thence North on the West line of said Section Twenty-Nine (29) for a distance of 200

feet to the place of beginning; and EXCEPT a tract conveyed to the State of Nebraska by instrument recorded at Book 107, Page 397 of the Deed Records of Dawson County, Nebraska.

A tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, described as follows: Referring to the Northwest Corner of said Quarter Section; thence easterly a distance of 13.46 feet along the North Line of said Quarter Section to the point of beginning; thence easterly deflecting 000 degrees, 00 minutes, 00 seconds a distance of 215.59 feet along said line; thence westerly on a 1220.92 foot radius curve to the right, deflection to the initial tangent being 159 degrees, 48 minutes, 47 seconds right, a distance of 213.56 feet, subtending a central angle of 010 degrees, 01 minutes 19 seconds; thence northerly deflecting 090 degrees, 16 minutes, 13 seconds, right, a distance of 56.68 feet to the point of beginning containing 0.15 acres, more or less.

WHEREAS, ROD REYNOLDS and SUSAN REYNOLDS, husband and wife; LARRY REYNOLDS and JEANNE REYNOLDS, husband and wife; JOHN R. SNIDER, a single person, SHANNON KELLER and DAN KELLER, wife and husband; BRIAN BLAKE REYNOLDS, a single person; CARRIE BETH REYNOLDS, a single person; RYAN BATES REYNOLDS, a single person; and LARRY REYNOLDS AND ROD REYNOLDS, Special Conservators of the Unborn Child or Children of Larry Reynolds and Rod Reynolds and the Child or Children of the Children of Larry Reynolds and Rod Reynolds (hereinafter referred to as "TRACT 2 OWNERS") are the owners of certain real estate adjoining the real estate owned by TRACT 1 OWNERS and legally described as follows, to-wit:

Government Lots Four (4) and Five (5) in Section Twenty-Nine (29), Township Nine (9) North, Range Twenty-One (21) West of the Sixth P.M., Dawson County, Nebraska

WHEREAS, a Deed of Conservation Easement restricting the Tract 1 Owners from irrigating the aforereferenced real estate with groundwater has been entered into between the Tract 1 Owners, or their predecessors in interest and the Central Platte Natural Resources District, which Deed of Conservation Easement was previously approved by the City of Lexington, Nebraska on December 14, 2010 as indicated by Resolution 2010-30 which was recorded with the Register of Deeds of Dawson County, Nebraska on January 5, 2011 as Instrument No. 2011-0053. The Deed of Conservation Easement was recorded with the Register of Deeds of Dawson County, Nebraska on January 5, 2011 as Instrument No. 2011-0052.

WHEREAS, Tract 2 Owners now wish to increase the efficiency of the irrigation of the aforereferenced real estate by constructing and operating a center pivot on the same, which center pivot will cross over a portion of the tract owned by Tract 1 Owners and which portion of land is burdened by the aforescribed Conservation Easement. The legal description of the real estate owned by Tract 1 Owners that will be utilized by Tract 2 Owners for the operation of this center pivot is as follows, to-wit:

A tract of land in Section Twenty-Nine (29), 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 said Section 29; thence N89°54'49"E (an assumed bearing and all bearings shown herein being relative thereto) on the north line of said Section a distance of 1766.44 feet; thence S64°25'21"E on the north line of Government Lot 1 of said Section a distance of 919.5 feet to the Northeast corner of said lot; thence S 00°24'08" E on the east line of said Lot a distance of 101.38 feet to the point of beginning; thence continuing S 00°24'08"E on the East line of Government Lots 1 and 3 of said Section a distance of 1717.46 feet; thence northwesterly on a non-tangent curve to the right with a radius of 1670.00 feet (chord bears N 08°56'45"W with a length of 1887.22 feet) an arc distance of 2005.59 feet; thence S 62°34'46"E a distance of 317.41 feet to the place of beginning, said tract containing 14.10 acres, more or less.

hereinafter referred to as Tract 1.

WHEREAS, Tract 1 Owners are in agreement with allowing the center pivot Tract 2 Owners wish to install on their real estate to cross over the land referred to hereinabove if the restrictions of irrigating that portion of the real estate are removed and if the aforescribed conservation easement on that portion of the real estate is released.

WHEREAS, the Central Platte Natural Resources District is willing to remove the restrictions on irrigating a portion of the aforescribed real estate and referred to herein as Tract 1 in exchange for the transfer of the restrictions of the aforesaid Conservation Easement to the approximate 18.94 acre tract owned by the Owners of Tract 2 and legally described as follows, to-wit:

A tract of land in Section Twenty-Nine (29), 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 East Quarter (E¼) Corner of said Section Twenty-Nine (29); thence N00°12'11"E (an assumed bearing and all bearings shown herein being relative thereto) on the East line of said Section a distance of 656.96 feet; thence Southwesterly on a non tangent curve to the right with a radius of 1670.00 feet (chord bears S64°59'26"W with a length of 1844.57 feet) an arc distance of 1954.17 feet; thence S65°15'17"E a distance of 939.23 feet; thence S84°58'43"E a distance of 368.89 feet; thence S85°11'06"E a distance of 457.18 feet to the East line of said Section; thence N00°12'11"W along said East line a distance of 586.68 feet to the place of beginning, said tract containing 18.94 acres, more or less,

hereinafter referred to as Tract 2.

WHEREAS, pursuant to NEB. REV. STAT. §76-2,113 (2009), the City of Lexington must approve the release of the conservation easement on Tract 1;

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2009), on May 14, 2013, the City of Lexington forwarded the easement request for the new area to be burdened by a conservation easement referred to herein as Tract 2 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 (2009) on May 15, 2013, the City of Lexington Planning and Zoning Commission recommended approval of the new easement on Tract 2 at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the release of the conservation easement on Tract 1 legally described hereinabove and the designated conservation easement on Tract 2 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 are, approved.

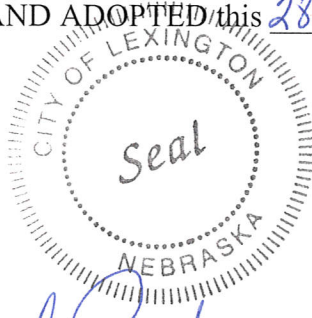
Resolution moved by Council Member John Salem

Seconded by Council Member Jeremy Roberts

Vote:

Mayor Fagot:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Council Member Miller:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Council Member Roberts:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Council Member Salem:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Council Member Vivas:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>

PASSED AND ADOPTED this 28 day of May, 2013.



CITY OF LEXINGTON

John Fagot
John Fagot, Mayor

Pamela Berke
Pam Berke, City Clerk