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May 6, 2013

Mr. Joe Peplitsch
City Manager
406 E. 7th Street
Lexington, NE 68850

Re: Release of Deed of Conservation Easement between Central Platte
Natural Resources District and John R. Snider et al. and

Deed of Conservation Easement between Central Platte Natural
Resources District and Rod Reynolds, et al.

Dear Mr. Peplitsch:

As was discussed with you yesterday in our telephone conversation with Steve Heldt, I represent Central Platte Natural Resources District, and Steve Heldt represents the Snider and Reynolds families. As you may remember, a conservation easement in favor of the Central Platte Natural Resources District was placed on a part of Government Lots 2 and 3 of Section 29, Township 9 North, Range 21 West of the 6th P.M., Dawson County, Nebraska on January 5, 2011 by John R. Snider and John R. Snider, Personal Representative of the Estate of Linda Snider, a copy of which is enclosed herein. I have also enclosed a copy of the Resolution where the City of Lexington approved the same.

The adjoining landowner to the east, Larry Reynolds, wishes to increase the efficiency of the irrigation of land he owns adjacent to this tract located on Government Lots 4 and 5 of Section 29-9-21, Dawson County, Nebraska by switching from furrow irrigation to pivot irrigation. The pivot irrigation system that Mr. Reynolds wishes to install will need to cross approximately 14.10 acres of the real estate included in the attached conservation easement on land owned by Mr. Snider. The Snider family and the Reynolds family have agreed that if the Reynolds are allowed to have their pivot cross approximately 14.10 acres of Snider's land to allow their pivot to operate effectively, then Reynolds will agree that the 18.94 acres he owns to the east of his

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pivot will be converted to dryland acres and be subject to a conservation easement with identical terms to replace the area of the adjacent land that they are requesting be released from the previous conservation easement. To aid your understanding of this transaction, I have attached a color map which shows the approximate area to be released from the previous easement in red hash marks (14.10 acres of land owned by Snider) and the area to be encumbered by a new conservation easement in blue hash marks (18.94 acres of land owned by Reynolds).

NEB. REV. STAT. §76-2,113, provides that a conservation easement may be released by the owner of the easement (Central Platte) except that such release shall be approved by the governing body which initially approved the easement. Therefore, we are seeking the approval of the City of Lexington to release the easement on the 14.10 acres of the land owned by the Sniders.

Additionally, as you are aware, NEB. REV. STAT. §76-2,112(3) provides that in order to minimize conflicts with land-use planning, all conservation easements have to be approved by the appropriate governing body, either the city or village if the property lies partially or entirely within the boundaries or zoning jurisdiction of a city or village; or the county, if the property lies entirely outside the boundaries and zoning jurisdiction of any city or village. In addition, the appropriate governing body shall first refer the proposed easement to and receive comments from the local planning commission with jurisdiction over the property. The local planning commission has 60 days to provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If comments are not received within this 60 day period, this easement will be deemed approved by the local planning commission.

We are, therefore, seeking that this process be followed in regard to the conservation easement that will be placed on the 18.94 acres owned by Reynolds. I have enclosed a copy of the proposed Deed of Conservation Easement for this 18.94 acres for your use in this process as well as a copy of the Partial Release of Deed of Conservation Easement for the 14.10 acres to be released from the previously approved conservation easement.

As I indicated to you in my telephone conversation yesterday, the release of the Snider easement is contingent on obtaining approval of the new conservation easement on the Reynolds' property. I have also enclosed a copy of a proposed Resolution I have prepared for the approval of the release of the easement and the approval of the new easement for your review as well.

Accordingly, please place these matters on the agenda for the City Council meeting scheduled for May 14, 2013. It is my understanding that at this meeting the Deed of Conservation Easement on the Reynolds land will be referred to the City Planning and Zoning Commission for review and comments. It is my further understanding that the City Planning and Zoning Commission has agreed to have a special meeting on May 15, 2013 so that this matter can then be brought back before the City Council at their meeting scheduled on May 28, 2013. Since this easement is similar to easements we have utilized in the past, we will not have a representative

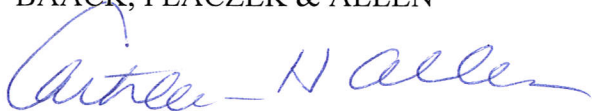
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from the Central Platte Natural Resources District attend any of these meetings unless you feel that it would be helpful.

I appreciate all of your help and I look forward to working with you on this matter.

Very truly yours,

LEININGER, SMITH, JOHNSON,
BAACK, PLACZEK & ALLEN



CATHLEEN H. ALLEN
CHA/dlh/encls.





cc: Ron Bishop (w/encl.)

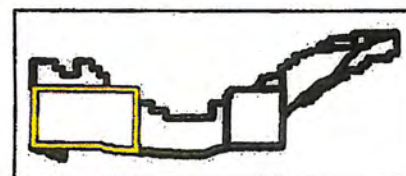
1754-66/430864

Waterbank Map



Legend

-  ACRES OFFSET
-  ACRES ADDED
-  PBHEP_EASEMENTS_12_15_11
-  FIELDS



Print Date: 12/14/2011