JAVA Resolution 10-0708-03

JAVA
Joint Antelope Valley Authority

WHEREAS, the Joint Antelope Valley Authority (JAVA), a joint administrative entity created under the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. § 13-801 et. seq.) by agreement of April 15, 2000 as amended (JAVA Interlocal Agreement) between the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska (University), the City of Lincoln, Nebraska, a municipal corporation (City), and the Lower Platte South Natural Resources District, a political Subdivision of the State of Nebraska (LPSNRD) is now implementing under the JAVA Interlocal Agreement the Phase One Priority Projects of Antelope Valley Amended Draft Single Package; and

WHEREAS, JAVA has previously approved by-laws, administrative resolution, policies and guidelines for the implementation of the Phase One Priority Projects.

NOW THEREFORE, be it resolved by the Administrative Board of the Joint Antelope Valley Authority as follows:

1. The Chairperson is hereby authorized to execute and approve the attached easement to the **Lower Platte South Natural Resources District** in connection with the construction of the public recreation trail along Salt Creek from Haymarket Park to tie in with the trail along the east side of N 14th Street in accordance with the Administrative Board's by-laws and to administer the same including executing the necessary forms, approvals and documents contemplated therein. The Administrative Board specifically finds that the easement is consistent with and furthers the implementation of the Phase One Priority Projects.

2. The Chairperson is authorized to sign and execute the same on behalf of the Authority. In addition, the Chairperson is authorized to approve minor, typographical, or technical changes to conform to the originals as approved by JAVA Legal Counsel.

3. The same shall be kept on file with the official records of the Authority as provided in the by-laws.

Dated this 8th Day of July, 2010. Introduced by: Figard

Approved by Unanimous Vote of Johnson, Weidner, and Figard after public hearing on this 8th Day of July 2010.

Signed:

Vice Chairperson

Joint Antelope Valley Authority

Glenn Johnson, Chairperson

Approved as to form and Legality

Legal Counsel

Ref: 10-0708-03
July 8, 2010

EASEMENT FOR
HAYMARKET BALL PARK TRAIL

For and in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the JOINT ANTELOPE VALLEY AUTHORITY, hereinafter "Grantor," located at 555 South 10th Street, Lincoln, Nebraska 68508, does hereby grant, bargain, sell, convey, and release unto LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, hereinafter "Grantee," located at 3125 Portia, P.O. Box 83581, Lincoln, NE 68501, a perpetual easement in, over, and upon the real property described below.

The Easement is granted as a perpetual right-of-way and permanent easement thirty-eight (38) feet wide for the purposes of constructing, operating, inspecting, maintaining, repairing, replacing, substituting, relocating, and removing a recreational trail for hikers, bikers, joggers and others, to be located on the descending left bank of Antelope Creek, east of the 14th Street Salt Creek Bridge, Lincoln, Nebraska, all as shown on the plat marked and legally described in Exhibit "A" (Permanent Easement #2) which is attached hereto and incorporated herein by reference as though fully set forth herein, collectively referred to as the "Property."

The rights and privileges herein granted shall be subject to the following terms and conditions:

1. Except as otherwise provided herein, the consideration recited herein shall constitute payment in full for all damages sustained or to be sustained by the Grantor by reason of the exercise of the rights and privileges granted them.

2. This Easement shall include the right of ingress and egress over and upon the Property.

3. Grantor shall not construct, operate, occupy, maintain, or locate any structure, whether temporary or permanent, on the Property.

4. Grantors, their heirs and assigns, reserve the right and privilege to use the Property at any time, and in any manner, and for any purpose not inconsistent with the full use and enjoyment of the Grantee, its successors and assigns, of the rights and privileges granted herein.

5. This easement shall not pass, nor shall the same be construed to pass, to the Grantee any fee simple interest or title to the Property.

6. This Easement shall be binding upon the parties hereto, and their respective heirs, successors, and assigns.

7. Grantor warrants and represents that it has good and sufficient legal title to the Property.

8. Grantor warrants and represents that it has the sole and exclusive right to grant this Easement, and that there are no tenants or other persons in possession of the Property or any part thereof or any other person or entity that need join in this Easement in order for Grantee to fully enjoy the rights and privileges granted by this Easement.

TO HAVE AND TO HOLD the aforesaid Easement in, over, and upon the Property with all the rights, privileges, and appurtenances thereto belonging or in anywise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has executed this easement on the 8th day of July, 2010.

GRANTOR:

JOINT ANTELOPE VALLEY AUTHORITY

BY: _____

Glenn Johnson (Name)

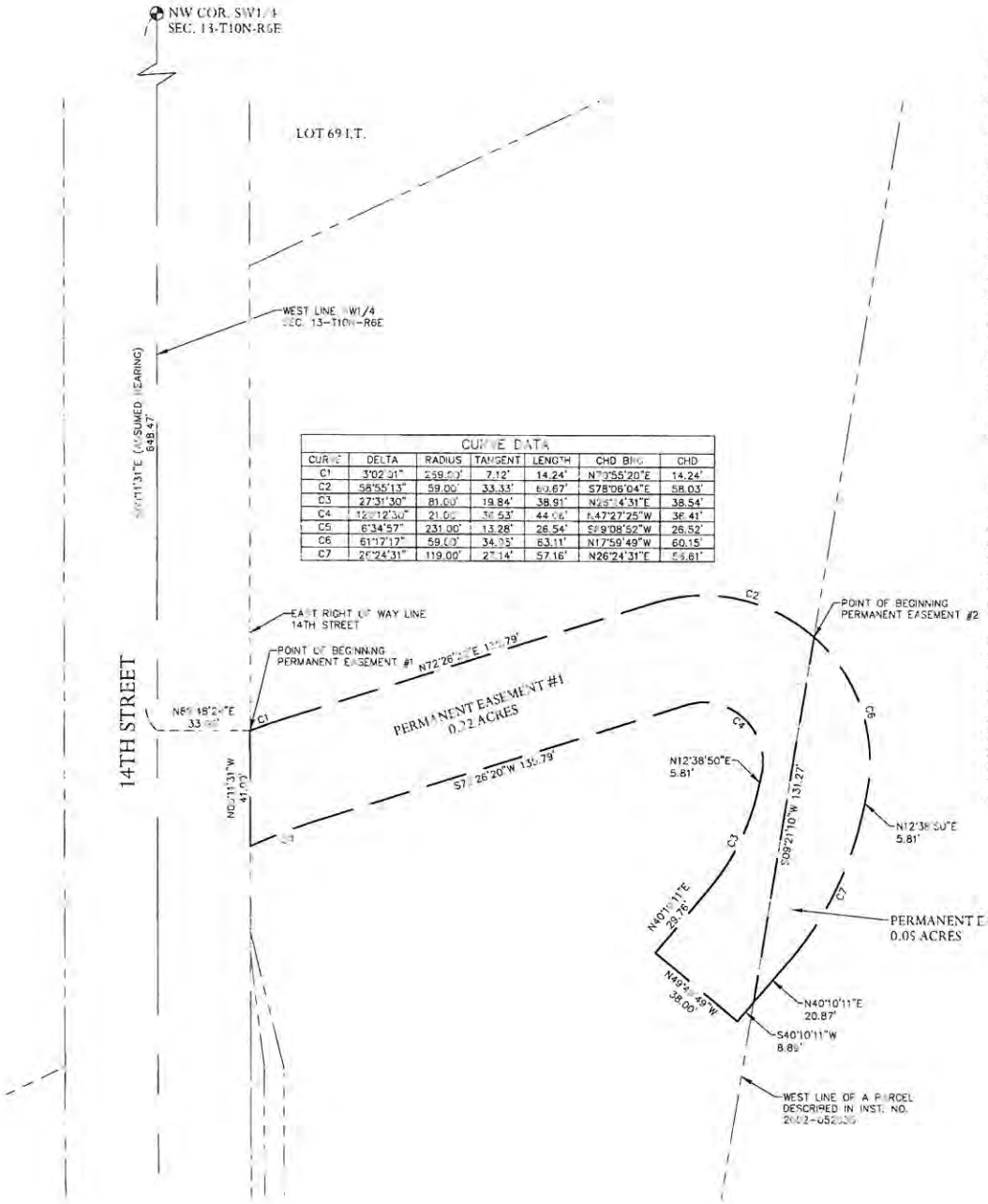
Chairperson (Title)

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

On this 8th day of July, 2010, a notary public in and for the County and State, personally came Glenn Johnson (name) Chairperson (title) of the Joint Antelope Valley Authority, to me personally known to be identical person whose name is affixed to the above Easement and acknowledged the execution of the same to be his voluntary act and deed as Chairperson (title) and the voluntary act and deed of said Antelope Valley Authority.

GENERAL NOTARY - State of Nebraska
JOAN E. ROSS
My Comm. Exp. Dec. 20, 2013

Joan E Ross



CURVE DATA						
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHD BRG	CHD
C1	3°02'01"	269.00'	7.12'	14.24'	N70°55'20"E	14.24'
C2	58°55'13"	59.00'	33.33'	60.67'	S78°06'04"E	58.03'
C3	27°31'30"	81.00'	19.84'	38.91'	N26°24'31"E	38.54'
C4	12°12'30"	21.00'	3.53'	44.06'	N47°27'25"W	36.41'
C5	6°34'57"	231.00'	13.28'	26.54'	S69°08'52"W	26.52'
C6	61°17'17"	59.00'	34.05'	63.11'	N17°59'49"W	60.15'
C7	26°24'31"	119.00'	27.14'	57.16'	N26°24'31"E	56.61'

PERMANENT EASEMENT #1

A PARCEL OF LAND LOCATED IN LOT 74 OF IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE SIXTH P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°11'31"E (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 648.47 FEET; THENCE N89°48'29"E, PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF 14TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTHEASTERLY ON A 269.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 14.24 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N70°55'20"E, 14.24 FEET; THENCE N72°26'20"E, A DISTANCE OF 135.79 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON A 59.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 60.67 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2002-052035, THE CHORD OF SAID CURVE BEARS S78°06'04"E, 58.03 FEET; THENCE S09°21'10"W ON SAID WEST LINE, A DISTANCE OF 131.27 FEET; THENCE S40°10'11"W, A DISTANCE OF 8.89 FEET; THENCE N49°49'49"W, A DISTANCE OF 38.00 FEET; THENCE N40°10'11"E, A DISTANCE OF 29.76 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON AN 81.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 38.91 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N26°24'31"E, 38.54 FEET; THENCE N12°38'50"E, A DISTANCE OF 5.81 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON A 21.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 44.06 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N47°27'25"W, 36.41 FEET; THENCE S72°26'20"W, A DISTANCE OF 135.79 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 231.00 FOOT RADIUS CURVE TO THE LEFT TO SAID EAST RIGHT OF WAY LINE, THE CHORD OF SAID CURVE BEARS S69°08'52"W, 26.52 FEET; THENCE N00°11'31"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 41.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.22 ACRES, MORE OR LESS.

PERMANENT EASEMENT #2

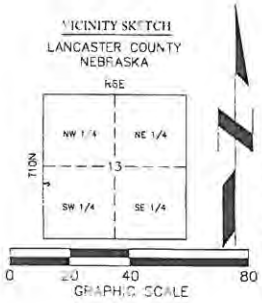
A PARCEL OF LAND LOCATED IN LOT 74 OF IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE SIXTH P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°11'31"E (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 648.47 FEET; THENCE N89°48'29"E, PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF 14TH STREET; THENCE NORTHEASTERLY ON A 269.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 14.24 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N70°55'20"E, 14.24 FEET; THENCE N72°26'20"E, A DISTANCE OF 135.79 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON A 59.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 60.67 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2002-052035, AND THE POINT OF BEGINNING, THE CHORD OF SAID CURVE BEARS S78°06'04"E, 58.03 FEET; THENCE S09°21'10"W ON SAID WEST LINE, A DISTANCE OF 131.27 FEET; THENCE N40°10'11"E, A DISTANCE OF 20.87 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 119.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 57.16 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N26°24'31"E, 59.61 FEET; THENCE N12°38'50"E, A DISTANCE OF 5.81 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON A 59.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 63.11 FEET TO THE POINT OF BEGINNING, THE CHORD OF SAID CURVE BEARS N17°59'49"W, 60.15 FEET, CONTAINING 0.05 ACRES, MORE OR LESS.

JEO Consulting Group, Inc.
PO Box 237 Wahoo, Nebraska 68066
Ph: 402.443.4661

PERMANENT EASEMENT
LOT 74 OF IRREGULAR TRACTS
SECTION 13
TOWNSHIP 10 NORTH, RANGE 6 EAST
LANCASTER COUNTY, NEBRASKA

LOWER PLATTE SOUTH
NATURAL RESOURCE DISTRICT
HAYMARKET BALL PARK TRAIL

VICINITY SKETCH
LANCASTER COUNTY
NEBRASKA



DATE 6/23/2010	DRAWN BY AJG
PROJECT NO. 365SUS8	PICLAND GROUP 001
SCALE 1"=40'	
FIELD BOOK	
FIELD CREW	
FILE NAME 365SUS8.dwg	
REVISION	
REVIEW BY	
REVIEW DATE	
FILE NUMBER	
SHEET 1 OF 1	