

4-17-8
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PLSD REP. JAMES W. 5, JAMES W. 7, & 46
IN 17, N. 406, JAMES W. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

THIS IS A LEGAL, BINDING CONTRACT.
IF NOT UNDERSTOOD, SEEK LEGAL ADVICE

STORAGE AND FLOWAGE AND OPERATION AND
MAINTENANCE AGREEMENT

FOR AND IN CONSIDERATION OF SEVENTY-ONE THOUSAND TWO HUNDRED SEVENTY-ONE AND NO/100THS (\$71,271.00) DOLLARS, receipt whereof is hereby acknowledged:

SARAH E. BEEBE and HENRY BEEBE, wife and husband, of Fremont, Nebraska, herein called the Grantor, whether one or more, does hereby grant, convey and release unto the LOWER PLATTE NORTH NATURAL RESOURCE DISTRICT, a political subdivision of the State of Nebraska, with its principal office located at David City, Nebraska, herein called the Grantee, its successors and assigns, a perpetual easement in, over and upon the following-described land situated in the County of Dodge, State of Nebraska, to-wit:

Part of the SW 1/4 of the NW 1/4, Section 4, Township 17 North, Range 8 East, AND Part of the SE 1/4 of the NE 1/4 AND Part of the NE 1/4 of the SE 1/4, Section 5, Township 17 North, Range 8, East of the 6th P.M. in Dodge County, Nebraska; Beginning at a point in the line common to the said NW 1/4 of Section 4 and the said NE 1/4 of Section 5; said point being 321.65 feet Northerly from the 1/4 corner common to said Sections 4 and 5 and said common line being assumed to bear North 00°23'30" East; thence in a line parallel with and 50.00 feet Southeasterly from the channel centerline, North 51°00'05" East, a distance of 1,586.90 feet to a point in the North 1/16 line of said Section 4; thence with said North 1/16 line, North 89°30'27" West, a distance of 220.14 feet; thence in a line parallel with and 90.00 feet Northwesterly from the channel centerline, South 51°00'05" West, a distance of 100.14 feet; thence South 38°59'55" East, a distance of 20.00 feet; thence in a line parallel with and 70.00 feet Northwesterly from the channel centerline South 51°00'05" West, a distance of 2,460.00 feet; thence North 38°59'55" West, a distance of 50.00 feet; thence in a line parallel with and 120.00 feet Northwesterly from the channel centerline South 51°00'05" West, a distance of 284.86 feet to a point of curvature to the right, said curve having a central angle of 36°55'05" and a radius of 180.00 feet; thence continuing with said parallel line and the arc of said curve, a distance of 115.98 feet to a point of tangency; thence continuing with said parallel line South 87°55'05" West a distance

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of 13.68 feet to the East 1/16 line of said Section 5; thence with said East 1/16 line South 00°39'20" West, a distance of 322.60 feet; thence South 77°08'02" East, a distance of 30.10 feet; thence North 02°04'52" West, a distance of 160.00 feet to a point in a curve, said curve being concave to the North, having a central angle of 36°55'05", having a radius of 350.00 feet and an initial tangent perpendicular to the preceding course; thence in a line parallel with and 50.00 feet Southerly from the channel centerline and the arc of said curve, a distance of 225.52 feet to a point of tangency; thence with said parallel line North 51°00'05" East, a distance of 1,427.98 feet to the point of beginning; containing an area of 9.31 acres more or less; Metes and Bounds description, along with diagram of present easement area, is shown on attachment "A";

for or in connection with the construction, operation and maintenance, repair and inspection of the flood control channel, a portion of which is located as described herein; for the flowage of any water in, over, upon, or through such structure and adjacent storage area as is herein described; for the flood control channel designated as: RAWHIDE FLOOD CONTROL CHANNEL.

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

1. The consideration recited herein shall constitute payment in full for all damages sustained or to be sustained by the Grantor by reason of the proper exercise of any of the rights or activities granted or described by the above, and Grantor hereby releases Grantee from any and all damages, liability, claims and expenses arising out of the proper exercise of construction, operation, maintenance, inspection and repair of the structure, except as hereinafter provided.
2. There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above-described land of the Grantor at any time, in any manner and for the purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the right and privilege herein granted.
3. The Grantee is responsible for operating and maintaining the facilities constructed.
4. This easement shall not convey nor shall the same be construed to convey, to the Grantee any fee simple interest or title to the above-described lands.

5. This easement includes the right of ingress and egress at any time over and upon the above-described land of the Grantor and any other land of the Grantor adjoining said land for purposes of operation and maintenance activities with full concurrence of the landowner on land now covered by this easement.

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

7. Grantee agrees to provide adequate farming access to easement area for flowage and storage calculated at 51 acres and located in both Section 4 and 5, Township 17 North, Range 8 East, Dodge County, Nebraska.

8. The Grantee agrees to provide proper drainage for the 51 acres of flowage and storage to allow surface and storage water to drain into the flood control channel. Flowage and storage area is shown on attachment "B".

9. Grantee will be responsible for standing crop destruction or revenue loss of crops occasioned during construction or outside the permanent easement area during maintenance, inspection and repair of the structure.

10. Grantee will spread channel material over Grantor's flowage and storage area to conform with good farming practices and drainage, as directed by Grantor.

TO HAVE AND TO HOLD the aforesaid Easement in, over and upon the above-described land of the Grantor, with all rights, privileges, and appurtenances thereto belonging or in any way pertaining, unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this agreement on the 21 day of December, 1986.

Sarah E. Beebe
(Signature of Grantor)

STATE OF NEBRASKA)

) ss.

COUNTY OF DODGE)

[Signature]
(Signature of Grantor)



Before me, a Notary Public, qualified for said County, personally came SARAH E. BEEBE and HENRY BEEBE, wife and husband, known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

[Signature]
Notary Public

Ms. Sarah E. Beebe & Henry Beebe
RR 1 - Box 216
Fremont NE 68025

LEGAL DESCRIPTION

PARCEL 27

Part Of The SW $\frac{1}{4}$ Of The NW $\frac{1}{4}$ Sec. 4, T17N, R8E, AND Part Of The SE $\frac{1}{4}$ Of The NE $\frac{1}{4}$, AND Part Of The NE $\frac{1}{4}$ Of The SE $\frac{1}{4}$ Sec. 5, T17N, R8E, Of The 6th P.M. In Dodge County, Nebraska

BEGINNING AT A POINT IN THE LINE COMMON TO THE SAID NORTHWEST 1/4 OF SECTION 4 AND THE SAID NORTHEAST QUARTER OF SECTION 5;

SAID POINT BEING 321.65 FEET NORTHERLY FROM THE 1/4 CORNER COMMON TO SAID SECTIONS 4 AND 5 AND SAID COMMON LINE BEING ASSUMED TO BEAR NORTH

00°23'30" EAST;

THENCE IN A LINE PARALLEL WITH AND 50.00 FEET SOUTHEASTERLY FROM THE CHANNEL CENTERLINE, NORTH 51°00'05" EAST, A DISTANCE OF 1,586.90 FEET TO A POINT IN THE NORTH 1/16 LINE OF SAID SECTION 4;

THENCE WITH SAID NORTH 1/16 LINE, NORTH 89°30'27" WEST, A DISTANCE OF 220.14 FEET;

THENCE IN A LINE PARALLEL WITH AND 90.00 FEET NORTHWESTERLY FROM THE CHANNEL CENTERLINE, SOUTH 51°00'05" WEST, A DISTANCE OF 100.14 FEET;

THENCE SOUTH 38°59'55" EAST, A DISTANCE OF 20.00 FEET;

THENCE IN A LINE PARALLEL WITH AND 70.00 FEET NORTHWESTERLY FROM THE CHANNEL CENTERLINE SOUTH 51°00'05" WEST, A DISTANCE OF 2,460.00 FEET;

THENCE NORTH 38°59'55" WEST, A DISTANCE OF 50.00 FEET;

THENCE IN A LINE PARALLEL WITH AND 120.00 FEET NORTHWESTERLY FROM THE CHANNEL CENTERLINE SOUTH 51°00'05" WEST, A DISTANCE OF 284.86 TO A POINT OF CURVATURE TO THE RIGHT;

SAID CURVE HAVING A CENTRAL ANGLE OF 36°55'05" AND A RADIUS OF 180.00 FEET;

THENCE CONTINUING WITH SAID PARALLEL LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 115.98 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING WITH SAID PARALLEL LINE SOUTH 87°55'05" WEST, A DISTANCE OF 13.68 FEET TO THE EAST 1/16 LINE OF SAID SECTION 5;

THENCE WITH SAID EAST 1/16 LINE SOUTH 00°39'20" WEST, A DISTANCE OF 322.60 FEET;

THENCE SOUTH 77°08'02" EAST, A DISTANCE OF 30.10 FEET;

THENCE NORTH 02°04'52" WEST, A DISTANCE OF 160.00 FEET TO A POINT IN A CURVE;

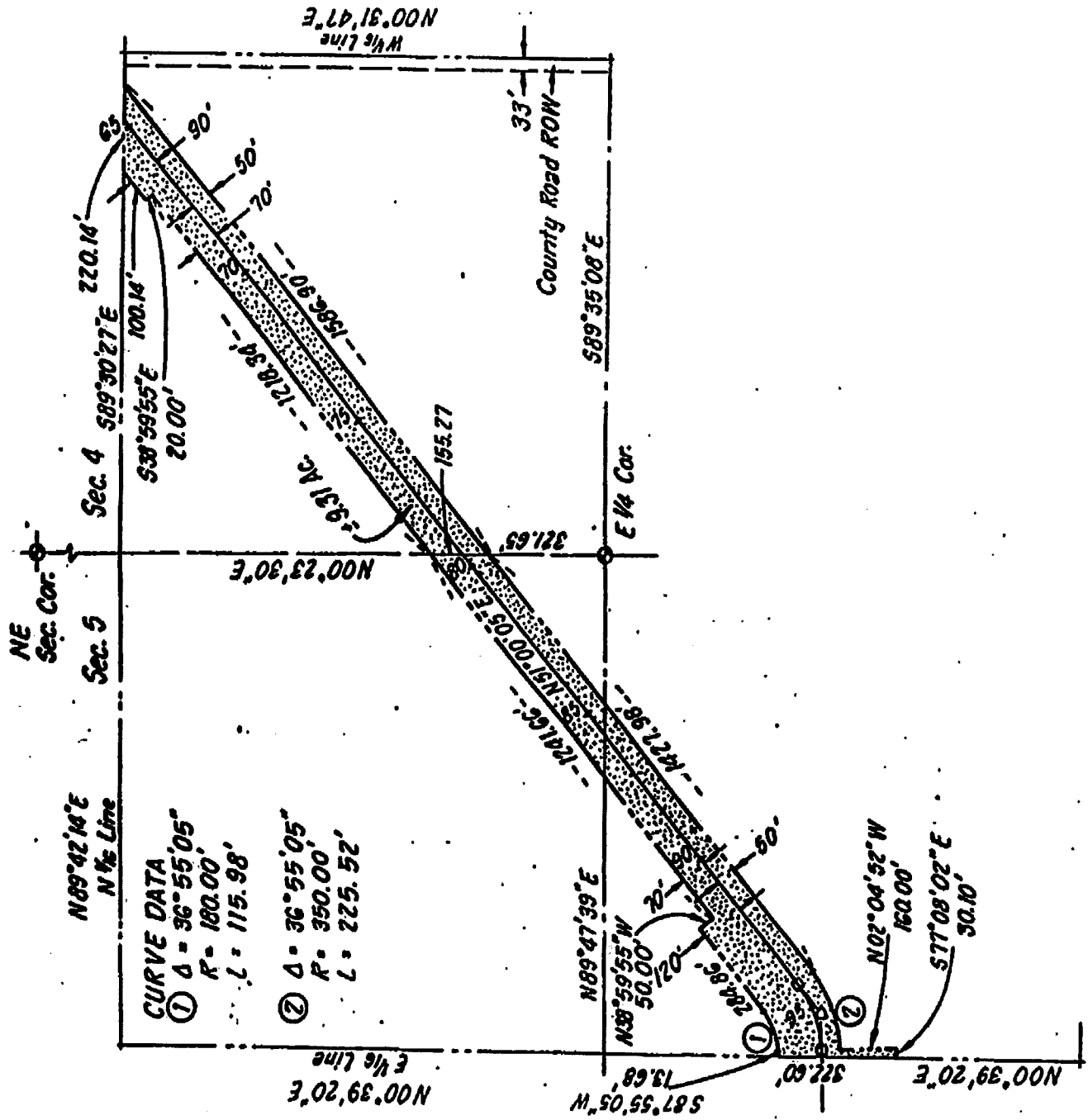
SAID CURVE BEING CONCAVE TO THE NORTH, HAVING A CENTRAL ANGLE OF 36°55'05", HAVING A RADIUS OF 350.00 FEET AND AN INITIAL TANGENT PERPENDICULAR TO THE PRECEDING COURSE;

THENCE IN A LINE PARALLEL WITH AND 50.00 FEET SOUTHERLY FROM THE CHANNEL CENTERLINE AND THE ARC OF SAID CURVE, A DISTANCE OF 225.52 FEET TO A POINT OF TANGENCY;

THENCE WITH SAID PARALLEL LINE NORTH 51°00'05" EAST, A DISTANCE OF 1,427.98 FEET TO THE POINT OF BEGINNING;
CONTAINING AN AREA OF 9.31 ACRES MORE OR LESS.

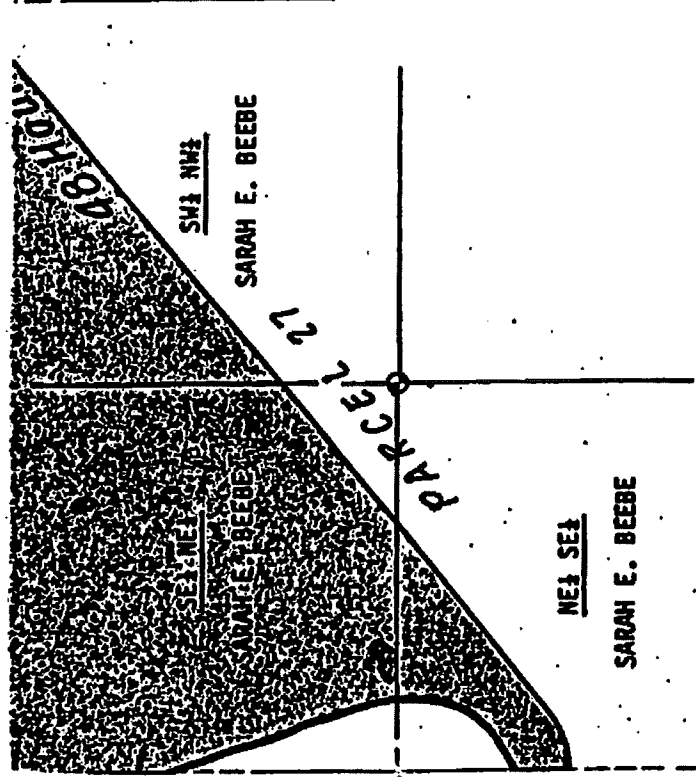
Attachment "A"

Ms. Sarah E. Beebe & Henry Beebe
 RR 1 - Box 216
 Fremont NE 68025



Attachment "A"

Easement area for flowage and storage calculated at 51 acres for Tract 27



Attachment "B"