

2018-01515

01/19/2018 1:32:43 PM

*Lloyd J. Dowding*

REGISTER OF DEEDS



COUNTER	<u>2311</u>	C.E.	<u>2311</u>
VERIFY	<u>2311</u>	D.E.	<u>2311</u>
PROOF			<u>P</u>
FEES \$	<u>52.00</u>		
CHECK #	<u>5748</u>		
CHG		CASH	
REFUND		CREDIT	
SHORT		NCR	



**THIS PAGE ADDED  
FOR RECORDING  
INFORMATION.**

**DOCUMENT STARTS ON  
NEXT PAGE.**

**LLOYD J. DOWDING**

SARPY COUNTY REGISTER OF DEEDS  
1210 GOLDEN GATE DRIVE  
PAPILLION, NE 68046-2842  
402-593-5773

*R&R  
Fullenkamp Doyle &  
Johnson*

**PUBLIC DEDICATION AGREEMENT**

THIS PUBLIC DEDICATION AGREEMENT (this "Agreement") is made this 5<sup>th</sup> day of January 2018 (the "Effective Date"), by and among Great Plains Communications, Inc., a Nebraska corporation (collectively referred to herein as the "Owner"), in favor of Sanitary Improvement District 330 of Sarpy County, Nebraska, a political subdivision of the State of Nebraska (the "District").

The District is in the process developing certain real property shown on the Final Plat of the Subdivision known as R&R Commerce Park, which is attached hereto as Exhibit "A" (the "Development Property"), and as part of that development intends to construct a certain right-of-way "turnaround" on certain real property owned by Owner as legally described on Exhibit "B" attached hereto (the "ROW Dedication Property"). The parties hereto agree as follows:

1. Owner agrees to dedicate to the District for public use the ROW Dedication Property. Contemporaneously herewith, Owner shall execute, acknowledge and deliver to the District that certain Dedication for Street Right of Way Purposes, the form of which is attached as Exhibit "C" attached hereto (the "Dedication"), which shall dedicate the ROW Dedication Property in fee simple to the District for public use. The District is hereby authorized to make any non-material changes to the Dedication to ensure its recordability. Owner agrees to fully cooperate and execute all documents reasonably requested by the District in order to effectuate the public dedication of the ROW Dedication Property. This Agreement shall be in lieu of the use of eminent domain powers of the District.
2. The provisions of this Agreement shall be covenants running with the land and shall bind the ROW Dedication Property, Owner and its successors, heirs, personal representatives, mortgagees, and beneficiaries. Owner shall not assign this Agreement.
3. Owner for itself and its heirs, executors and administrators does confirm with the District, that Owner is well seized in fee of the ROW Dedication Property, that it has the right to grant and convey the ROW Dedication Property in the manner and form aforesaid, that the consent of no other party is required to bind Owner to the agreements contained herein, and that it and its heirs, executors, and administrators shall warrant and defend this dedication to the District against the lawful claims and demands of all persons, subject to all covenants, restrictions and easements of record.
4. The District shall, at its sole cost and expense, be responsible for the design, bidding process, construction and construction management of those public improvements constructed within the ROW Dedication Property.
5. This Agreement contains the entire agreement of the parties; there are no different agreements or understandings; and Owner, in executing and delivering this Agreement and the Dedication, has not relied upon any promises, inducements, or representations of the District, or their agents or employees, except as are set forth herein.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Owner has executed this Agreement as of the day and year first above written.

**OWNER:**

**Great Plains Communications, Inc., a Nebraska corporation**

By: Todd A. Fox

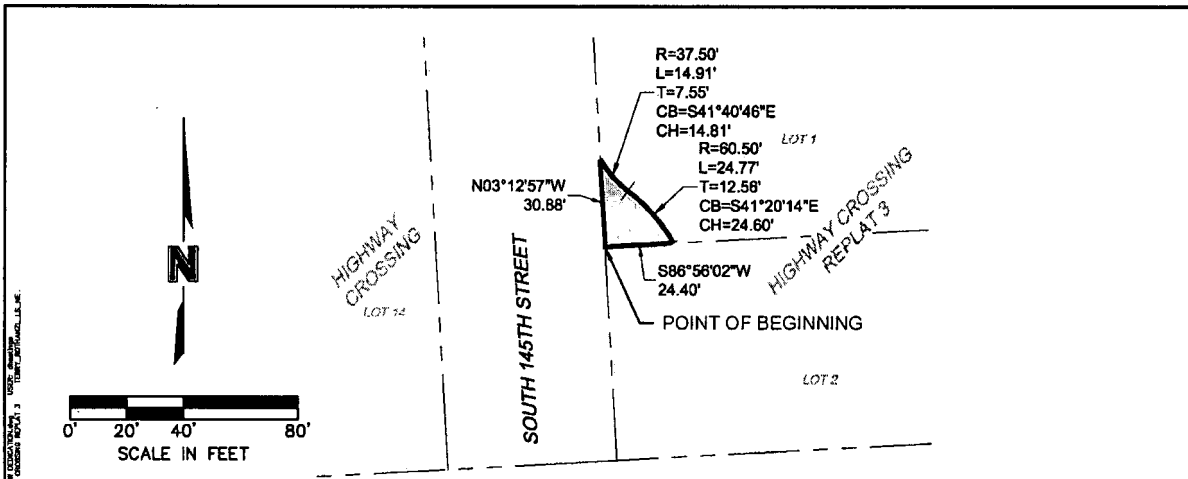
Name: Todd A. Fox

Title: CEO

C

EXHIBIT A

Final Plat R&R Commerce Park



LEGAL DESCRIPTION

A RIGHT-OF-WAY DEDICATION LOCATED IN LOT 1, HIGHWAY CROSSING REPLAT 3, A PLATTED AND RECORDED SUBDIVISION IN SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

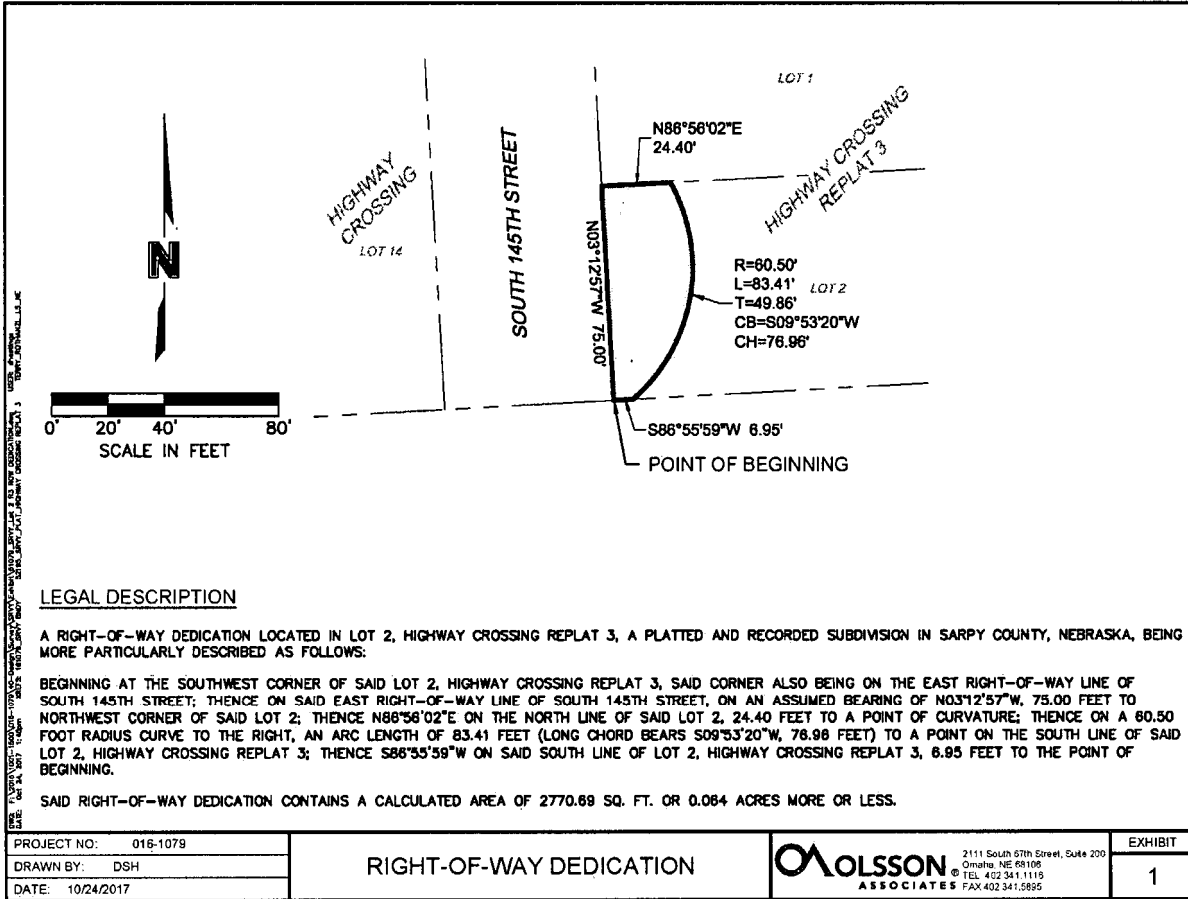
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, HIGHWAY CROSSING REPLAT 3, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 145TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH 145TH STREET, ON AN ASSUMED BEARING OF N03°12'57\"W, 30.88 FEET TO A POINT OF CURVATURE; THENCE ON A 37.50 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 14.91 FEET (LONG CHORD BEARS S41°40'46\"E, 14.81 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ON A 60.50 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 24.77 FEET (LONG CHORD BEARS S41°20'14\"E, 24.60 FEET) TO A POINT ON THE SOUTH LINE OF SAID LOT 1, HIGHWAY CROSSING REPLAT 3; THENCE S86°56'02\"W ON SAID SOUTH LINE OF LOT 1, HIGHWAY CROSSING REPLAT 3, 24.40 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY DEDICATION CONTAINS A CALCULATED AREA OF 391.31 SQ. FT. OR 0.009 ACRES MORE OR LESS.

PROJECT NO: 016-1079	<b>RIGHT-OF-WAY DEDICATION</b>	<b>MOLSSON</b> 2111 South 67th Street, Suite 200 Omaha, NE 68106 TEL 402.341.1119 ASSOCIATES FAX 402.341.5895	EXHIBIT
DRAWN BY: DSH			1
DATE: 10/24/2017			

# EXHIBIT B

## ROW Dedication Property



E

EXHIBIT C

(Form of Dedication)

**DEDICATION FOR STREET RIGHT OF WAY PURPOSES**

**DEDICATION:** KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned, Great Plains Communications, Inc., being the lawful owner of the following legally described real property, to-wit:

A Right-of-Way Dedication located in Lot 2, Highway Crossing Replat 3, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

Beginning at the southwest corner of said Lot 2, Highway Crossing Replat 3, said corner also being on the east right Right-of-Way line of South 145<sup>th</sup> Street; thence on said east Right-of-Way line of south 145<sup>th</sup> Street, on an assumed bearing of N03°12'57"W, 75.00 feet to northwest corner of said Lot 2; thence N86°56'02"E on the north line of said Lot 2, 24.40 feet to a point of curvature; thence on a 60.50 foot radius curve to the right, an arc length of 83.41 feet (long chord bears S09°53'20"W, 76.96 feet) to a point on the south line of said Lot 2, Highway Crossing Replat 3; thence S86°55'59"W on said south line of lot 2, Highway Crossing Replat 3, 6.95 feet to the point of beginning

(the "Property"); hereby dedicates to the public for public use for street right-of-way purposes that portion of the Property, more particularly described as follows:

See Exhibit "A" attached hereto.

IN WITNESS WHEREOF said GRANTOR has or have hereunto set his or their hand(s) this 5 day of January, ~~2017~~ 2018.

GRANTOR:

**Great Plains Communications, Inc., a Nebraska corporation**

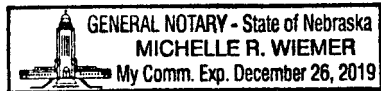
By: Loon A. Haje  
Name: Loon A. Haje  
Title: CEO

STATE OF NEBRASKA )  
Washington ) ss.  
COUNTY OF ~~SARPY~~ )

On this 5 day of January, <sup>2018</sup>~~2017~~, before me, a Notary Public in and for said County, personally came Todd Foje of Great Plains Comm., to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his/her respective voluntary act and deed.

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

Notary Seal:



Michelle R. Wiemer

NOTARY PUBLIC

EXHIBIT "A"  
(To Dedication)

