

NEBRASKA DOCUMENTARY
STAMP TAX
Mar 08, 2019
\$ By KV

Jana K. Robinson
REGISTER OF DEEDS
#00770 \$40.00

PREPARED BY AND RETURN TO: JAMES SKLODA CASEY'S GENERAL STORES, INC., ONE SE CONVENIENCE BLVD, ANKENY, IA 50021

STORM WATER DRAINAGE EASEMENT AGREEMENT

THIS STORM WATER DRAINAGE EASEMENT AGREEMENT, made this 5th day of February, 2018, by and between Casey's Retail Company, an Iowa corporation with its headquarters at One S.E. Convenience Boulevard, Ankeny, Iowa ("Casey's"), and the Village of Eagle, Nebraska, a municipal corporation with an address of 727 S. 1st Street/ P.O. Box 130, Eagle, NE 68347 ("Village").

WITNESSETH:

WHEREAS, Casey's is or will be the owner of certain real estate (the "Casey's Property") located at the northwest intersection of U.S. Highway 34 and S. 1st Street, in the Village of Eagle, Cass County, Nebraska, legally described on Exhibit "A" attached hereto, upon which Casey's proposes to develop a convenience store with gasoline sales facilities; and

WHEREAS, there currently exists a storm water culvert on the Casey's Property which the Village utilizes for storm water drainage purposes.

WHEREAS, the parties have reached an agreement whereby the Village shall be permitted to make use of a portion of Casey's Property to install, maintain, and repair storm water pipes and culverts to facilitate the surface water drainage in the Village, upon the terms and conditions hereinafter provided.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein set forth, the parties agree as follows:

1. Casey's hereby sells, grants and conveys unto the Village a permanent easement for the purpose of constructing, installing, operating, maintaining, repairing and replacing underground storm water pipes and a storm water culverts over, across, and under, that portion of the Casey's Property being 30 feet in width and shown as "Proposed Storm Sewer Easement" on the Final Plat attached hereto as Exhibit "B" (the "Storm Sewer Easement").
2. The Storm Sewer Easement shall be for the purposes of facilitating the surface water drainage in the Village. The Village and its officers, agents, employees and contractors shall have the right at any and all reasonable times, when necessary or convenient to do so, to enter upon the Casey's Property in order to perform any and all acts necessary for the construction, installation, operation, maintenance, repair or replacement of the storm water pipes and culverts and associated equipment to properly carry into effect the purposes for which this easement is made and granted. Casey's shall be responsible for replacement costs of

infrastructure above the culverts in the event the culverts need to be excavated for maintenance/replacement activities.

3. Casey's shall have the undisturbed right of use of the Casey's Property, as so far as does not interfere with the rights herein granted to the Village and other easements shall be permitted to cross the Storm Sewer Easement.

4. The Village shall indemnify and hold Casey's harmless from any and all claims for damage to real or personal property (except that Casey's shall be responsible for replacement costs of infrastructure above the culvert) and injuries to or deaths suffered by persons by the reason of the construction, installation, repair, replacement, maintenance or operation by the Village of the culverts or pipes pursuant to this Easement Agreement.

5. Each of the covenants and agreements made and provided herein shall be construed as covenants and agreements imposed upon and running in perpetuity with the land. Each and every one of the benefits and burdens of this Easement Agreement shall inure to and be binding upon their respective heirs, legal representatives, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREFORE, the parties have executed this Easement Agreement on the date and year first written above.

VILLAGE OF EAGLE, NEBRASKA

By: *Travis L. Moore*
Travis L. Moore, Mayor
Chairman

By: *Nick Nyström*, Clerk

CASEY'S RETAIL COMPANY

By: *Richard T. Schappert*
Richard T. Schappert, VP

By: *Julia L. Jackowski*
Julia L. Jackowski, Secretary



ACKNOWLEDGMENTS

STATE OF IOWA)
) SS:
COUNTY OF POLK)

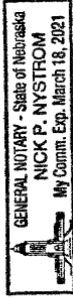
On this 5 day of March ~~2018~~ ²⁰¹⁹, before me the undersigned, a Notary Public in and for said county and state, personally appeared Richard T. Schappert and Julia L. Jackowski, who being by me duly sworn, did state that they are the Vice President and Secretary, respectively, of Casey's Retail Company, the corporation named in the foregoing instrument; that the seal affixed to the foregoing instrument is the seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and the said Richard T. Schappert and Julia L. Jackowski, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Joy K. Johnson
Notary Public in and for the State of Iowa

STATE OF NEBRASKA)
) SS:
COUNTY OF CASS)

The foregoing instrument was acknowledged before me this 6th day of February, 2018, by Travis Moore, Chairman of the Village of Eagle.



Nick P. Nystrom
Notary Public in and for said County and State

STATE OF NEBRASKA)
) SS:
COUNTY OF CASS)

The foregoing instrument was acknowledged before me this 19th day of February, 2018, by Nick Nystrom, Clerk of the Village of Eagle.

Stephanie J. Patton
Notary Public in and for said County and State

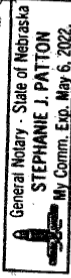
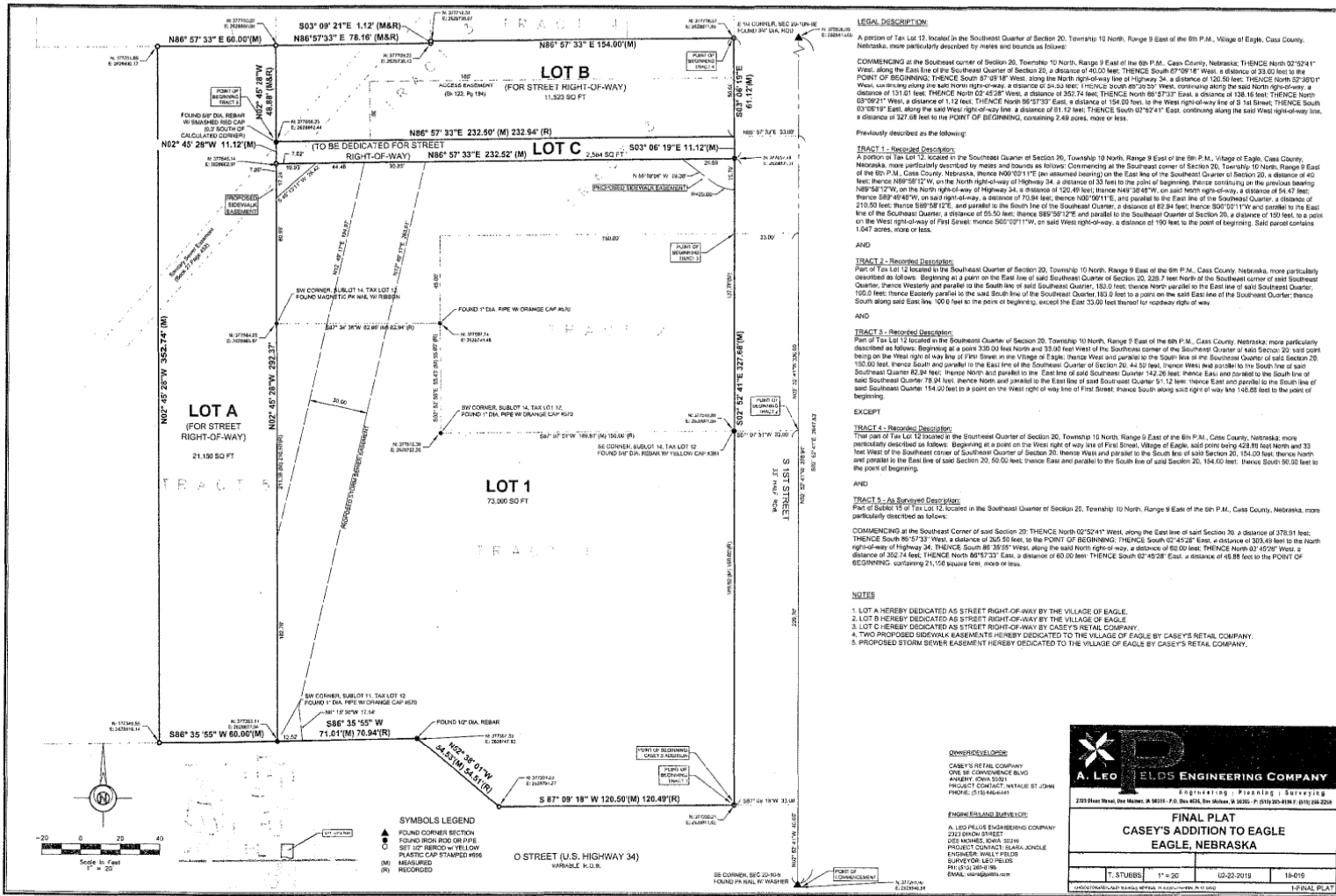


EXHIBIT A
CASEY'S PROPERTY LEGAL DESCRIPTION

A portion of Tax Lot 12, located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Village of Eagle, Cass County, Nebraska, more particularly described by metes and bounds as follows:

COMMENCING at the Southeast corner of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska;
THENCE North 02°52'41" West, along the East line of the Southeast Quarter of Section 20, a distance of 40.00 feet;
THENCE South 87°09'18" West, a distance of 33.00 feet to the POINT OF BEGINNING;
THENCE South 87°09'18" West, along the North right-of-way line of Highway 34, a distance of 120.50 feet;
THENCE North 52°38'01" West, continuing along the said North right-of-way, a distance of 54.53 feet;
THENCE South 86°35'55" West, continuing along the said North right-of-way, a distance of 131.01 feet;
THENCE North 02°45'28" West, a distance of 352.74 feet;
THENCE North 86°57'33" East, a distance of 138.16 feet;
THENCE North 03°09'21" West, a distance of 1.12 feet;
THENCE North 86°57'33" East, a distance of 154.00 feet, to the West right-of-way line of S 1st Street;
THENCE South 03°06'19" East, along the said West right-of-way line, a distance of 61.12 feet;
THENCE South 02°52'41" East, continuing along the said West right-of-way line, a distance of 327.68 feet to the POINT OF BEGINNING, containing 2.49 acres, more or less.

EXHIBIT B
FINAL PLAT CASEY'S ADDITION TO EAGLE, EAGLE NEBRASKA



LEGAL DESCRIPTION

A portion of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Village of Eagle, Cass County, Nebraska, more particularly described by means and bounds as follows:

COMMENCING at the Southeast corner of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska; THENCE North 02°52'41" West, along the East line of the Southeast Quarter of Section 20, a distance of 40.00 feet; THENCE South 67°09'18" West, a distance of 23.00 feet to the POINT OF BEGINNING; THENCE South 37°09'18" West, along the North-right-of-way line of Highway 34, a distance of 120.50 feet; THENCE North 32°26'07" West, following along the said North-right-of-way, a distance of 24.25 feet; THENCE South 69°20'20" West, continuing along the said North-right-of-way, a distance of 131.01 feet; THENCE North 02°45'28" West, a distance of 350.74 feet; THENCE North 82°57'37" East, a distance of 138.16 feet; THENCE North 02°39'21" West, a distance of 1.12 feet; THENCE North 82°37'37" East, a distance of 154.00 feet, to the West right-of-way line of 8th Street; THENCE South 03°08'19" East, along the said West right-of-way line, a distance of 61.12 feet; THENCE South 02°52'41" East, continuing along the said West right-of-way line, a distance of 327.68 feet to the POINT OF BEGINNING, containing 3.48 acres, more or less.

Previously described as the following:

TRACT 1 - Recorded Description:
A portion of Tax Lot 12, located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Village of Eagle, Cass County, Nebraska, more particularly described by means and bounds as follows: Commencing at the Southeast corner of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska; thence North 03°11'17" (an assumed bearing) on the East line of the Southeast Quarter of Section 20, a distance of 40 feet; thence North 69°58'12" W, on the North right-of-way of Highway 34, a distance of 33 feet to the point of beginning; thence continuing on the previous bearing thence North 69°58'12" W, on the North right-of-way of Highway 34, a distance of 120.49 feet; thence North 32°26'07" W, on the North right-of-way, a distance of 54.47 feet; THENCE North 32°26'07" W, on the North right-of-way, a distance of 70.94 feet; thence North 02°45'28" W, on the said right-of-way, a distance of 210.50 feet; thence North 82°57'37" E, and parallel to the East line of the Southeast Quarter, a distance of 61.12 feet; thence South 02°52'41" W and parallel to the East line of the Southeast Quarter, a distance of 60.00 feet; thence South 03°08'19" E, and parallel to the Southeast Quarter of Section 20, a distance of 150 feet to a point on the West right-of-way of First Street; thence South 02°52'41" W, on said West right-of-way, a distance of 190 feet to the point of beginning. Said parcel contains 1.047 acres, more or less.

AND

TRACT 2 - Recorded Description:
That part of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, more particularly described as follows: Beginning at a point on the East line of said Southeast Quarter of Section 20, 239.7 feet North of the Southeast corner of said Southeast Quarter; thence Westerly and parallel to the South line of said Southeast Quarter, 163.0 feet; thence North westerly to the East line of said Southeast Quarter, 100.0 feet; thence Easterly parallel to the said South line of the Southeast Quarter, 163.0 feet to a point on the said East line of the Southeast Quarter; thence South along said East line, 100.0 feet to the point of beginning, except the East 33.00 feet thereof for roadway right of way.

AND

TRACT 3 - Recorded Description:
That part of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, more particularly described as follows: Beginning at a point 33.00 feet North and 33.00 feet West of the Southeast corner of said Section 20, said point being on the West right-of-way line of First Street in the Village of Eagle; thence West and parallel to the South line of the Southeast Quarter of said Section 20, 150.00 feet; thence South and parallel to the East line of the Southeast Quarter of Section 20, 44.50 feet; thence West and parallel to the South line of said Southeast Quarter, 62.94 feet; thence North and parallel to the East line of said Southeast Quarter, 142.20 feet; thence East and parallel to the South line of said Southeast Quarter, 7.94 feet; thence North and parallel to the East line of said Southeast Quarter, 31.12 feet; thence East and parallel to the South line of said Southeast Quarter, 154.00 feet to a point on the West right-of-way line of First Street; thence South along said right-of-way line 148.88 feet to the point of beginning.

EXCEPT

TRACT 4 - Recorded Description:
That part of Tax Lot 12 located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, more particularly described as follows: Beginning at a point on the West right-of-way line of First Street, Village of Eagle, said point being 428.88 feet North and 33 feet West of the Southeast corner of said Southeast Quarter of Section 20; thence West and parallel to the South line of said Section 20, 154.00 feet; thence North and parallel to the East line of said Section 20, 50.00 feet; thence East and parallel to the South line of said Section 20, 164.00 feet; thence South 50.00 feet to the point of beginning.

AND

TRACT 5 - As Surveyed Description:
That part of Section 19 of Tax Lot 12, located in the Southeast Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 20; THENCE North 02°52'41" West, along the East line of said Section 20, a distance of 376.31 feet; THENCE South 67°09'18" West, a distance of 262.50 feet, to the POINT OF BEGINNING; THENCE South 02°45'28" East, a distance of 303.89 feet to the North right-of-way of Highway 34; THENCE South 86°38'59" West, along the said North right-of-way, a distance of 60.00 feet; THENCE North 02°45'28" West, a distance of 262.14 feet; THENCE North 82°57'37" East, a distance of 60.00 feet; THENCE South 02°45'28" East, a distance of 46.88 feet to the POINT OF BEGINNING, containing 31,100 square feet, more or less.

NOTES

1. LOT A HEREBY DEDICATED AS STREET RIGHT-OF-WAY BY THE VILLAGE OF EAGLE.
2. LOT B HEREBY DEDICATED AS STREET RIGHT-OF-WAY BY THE VILLAGE OF EAGLE.
3. LOT C HEREBY DEDICATED AS STREET RIGHT-OF-WAY BY CASEY'S RETAIL COMPANY.
4. TWO PROPOSED SIDEWALK EASEMENTS HEREBY DEDICATED TO THE VILLAGE OF EAGLE BY CASEY'S RETAIL COMPANY.
5. PROPOSED STORM SEWER EASEMENT HEREBY DEDICATED TO THE VILLAGE OF EAGLE BY CASEY'S RETAIL COMPANY.

OWNER'S DECLARATION:
CASEY'S RETAIL COMPANY
ONE SE CORNER 6TH AND
AVENUE, SUITE 201
PROJECT CONTACT: NATALIE ST JOHN
PHONE: 515.464.4411

ENGINEER'S AND SURVEYOR'S:
A. LEO PELDS ENGINEERING COMPANY
232 DUNDON STREET
DEER CREEK, NEBRASKA 68736
PROJECT CONTACT: MARK JANCHULE
ENGINEER: WALLY PELDS
SURVEYOR: ALO PELDS
PH: 515.342-0196
EMAIL: wpel@pelde.com

FINAL PLAT
CASEY'S ADDITION TO EAGLE
EAGLE, NEBRASKA

T. STUBBS	1" = 20'	02-22-2019	14-016
		FINAL PLAT	