



## Hooper East and West-NDOR Project #F-275-6(1027) Control #-21492 U.S. Army Corps of Engineers File No. NE 2004-10213 **COVENANT OF DEDICATION**

John L. Craig (hereinafter referred to as PERMITTEE) now stipulates to the following statements of fact, and further agrees to restrict the use and title of the realty described in Attachment 1 to this document (hereinafter referred to as the "Land") in accordance with the terms and conditions set forth herein.

## STIPULATIONS OF FACT

- 1. That PERMITTEE is the applicant for Department of the Army permit number NE 2004-10213 to place fill material in the wetlands located in:
- Site #1- NW ¼, NE ¼, and the SE ¼ of Section 9, Township 19 North, Range 7 East, Dodge County, Nebraska.
- Site #2- SW ¼, and the SE ¼ of Section 10, and the NE ¼ of Section 15, all in Township 19 North, Range 7 East, Dodge County, Nebraska.
- Site #3- NE ¼ of Section 15, Township 19 North, Range 7 East, Dodge County, Nebraska.
- Site #4- NE ¼ of Section 14, Township 19 North, Range 7 East, Dodge County, Nebraska.
- Site #5- SE ¼ of Section 13, Township 19 North, Range 7 East, Dodge County, Nebraska.
- Site #6- SE ¼, SE ¼, of Section 22, Township 19 North, Range 8 East, Dodge County, Nebraska

and that the U.S. Army Corps of Engineers has regulatory jurisdiction over the discharge of dredged or fill material into said wetlands pursuant to Section 404 of the Clean Water (33 USC 1344).

- 2. That PERMITTEE is the owner in fee of the real estate described in Attach 1.
- 3. That PERMITTEE and the Omaha District of the U.S. Army Corps of Engineers have reached an agreement whereby PERMITTEE will be permitted to discharge fill material in wetlands in accordance with the terms and conditions of Department of the Army permit number NE 2004-10213; and that in consideration for said discharge of fill material in the wetland, PERMITTEE will provide mitigation for the adverse environmental effects resulting from the placement of fill material in the wetland by dedicating the realty described in Attachment 1 for perpetual use as a conservancy area in accordance with the terms and conditions of this document and the above-mentioned permit.

Return to: Julie Westergren Nebraska Dept. of Roads-R.O.W. Div. 1500 Hwy 2, Box 94759 Lincoln, NE 68509-4759

Netw Dept Poads 48.00

- 4. That the above-mentioned dedication shall consist of the execution of this document by all parties necessary to restrict the use and title of the land; and that this document shall be recorded in the Office of the Register of Deeds for Dodge County, Nebraska.
- 5. That upon receipt of a certified copy of this document, as recorded in the Office of the County Register of Deeds for Dodge County, Nebraska, the District Engineer of the Omaha District of the U.S. Army Corps of Engineers will issue a validated permit, number NE 2004-10213 to PERMITTEE; and that said permit shall be issued in consideration for the execution of this Covenant.
- 6. That the terms and conditions of this Covenant of Dedication shall, as of the date of execution of this document, bind PERMITTEE to the extent of his legal and/or equitable interest in the land; and that this Covenant shall run with the land and be binding on PERMITTEE and its successors and assigns forever.
- 7. That the terms and conditions of this Covenant shall be both implicitly and explicitly included in any transfer, conveyance, or encumbrance of the Land or any part thereof, and that any instrument of transfer, conveyance, or encumbrance affecting all or any part of the Land shall set forth the terms and conditions of this document either by reference to this document or set forth in full text.

## **DEED AND USE RESTRICTIONS**

PERMITTEE hereby warrants that he is the owner in fee of the realty described in Attachment 1; and that the Land is hereby dedicated in perpetuity for use as a conservancy area.

PERMITTEE hereby agrees to restrict the use and title of the Land as follows:

- 1. There shall be no construction or placement of buildings or mobile homes, fences, signs, billboards or other advertising material, or other structures, whether temporary or permanent, on the land.
- 2. There shall be no filling, draining, excavating, dredging, mining, drilling or removal of topsoil, loam, peat, sand, gravel, rock, minerals or other materials.
- 3. There shall be no building of roads or paths for vehicular travel nor any change in the topography of the land. Wooden boardwalks for pedestrians are permitted.
- 4. There shall be no removal, destruction, or cutting of trees or plants, spraying with biocides, insecticides, or pesticides, grazing of animals, farming, tilling of soil, or other agricultural activity.

- 5. There shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other type of motorized vehicle on the land.
- 6. This Covenant of Dedication may be changed, modified or revoked only upon written approval of the District Engineer of the Omaha District of the U.S. Army Corps of Engineers. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Nebraska.

7. This Covenant is made in perpetuity such that the present owner and its heirs and assigns forever shall be bound by the terms and conditions set forth herein.

By:

John L. Craig, PERMITTEE

Director, NE DEPT. OF ROADS

Executed before me this 18 day of 1005 by PERMITTEE who is personally known to me.

Sandra Schuelke My commission expires September 10, 2005 Notary Public

GENERAL NOTARY - State of Nebraska SANDRA L. SCHUELKE My Comm. Exp. Sept. 10, 2005

## PROJECT F-275-6(1027), C.N. 21492, DODGE CO. COVENANT OF DEDICATION

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DODGE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DODGE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 106.975 METERS (350.97 FEET) TO A POINT ON THE EXISTING NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 275, THENCE SOUTHEASTERLY DEFLECTING 072 DEGREES 35 MINUTES 49 SECONDS LEFT A DISTANCE OF 174.555 METERS (572.69 FEET) ALONG SAID RIGHT-OF-WAY LINE, THENCE SOUTHWESTERLY DEFLECTING 090 DEGREES 00 MINUTES 00 SECONDS RIGHT A DISTANCE OF 23.301 METERS (76.45 FEET) TO THE POINT OF BEGINNING; THENCE SOUTHEASTERLY DEFLECTING 090 DEGREES 100 MINUTES 10 SECONDS RIGHT A DISTANCE OF 25.023 METERS (82.0 FEET), THENCE SOUTHEASTERLY DEFLECTING 003 DEGREES 51 MINUTES 27 SECONDS RIGHT A DISTANCE OF 25.007 METERS (82.04 FEET), THENCE SOUTHEASTERLY DEFLECTING 036 DEGREES 10 MINUTES 27 SECONDS RIGHT A DISTANCE OF 25.007 METERS (82.04 FEET), THENCE SOUTHEASTERLY DEFLECTING 075 DEGREES 42 MINUTES 31 SECONDS RIGHT A DISTANCE OF 27.147 METERS (89.07 FEET), THENCE SOUTHEASTERLY DEFLECTING 075 DEGREES 42 MINUTES 32 SECONDS RIGHT A DISTANCE OF 25.002 METERS (82.03 FEET), THENCE SOUTHEASTERLY DEFLECTING 005 DEGREES 50 MINUTES 33 SECONDS LEFT A DISTANCE OF 25.002 METERS (82.03 FEET), THENCE SOUTHEASTERLY DEFLECTING 006 DEGREES 50 MINUTES 33 SECONDS LEFT A DISTANCE OF 25.003 METERS (82.02 FEET), THENCE SOUTHEASTERLY DEFLECTING 006 DEGREES 50 MINUTES 30 SECONDS LEFT A DISTANCE OF 25.004 METERS (82.02 FEET), THENCE SOUTHEASTERLY DEFLECTING 006 DEGREES 52 MINUTES 30 SECONDS LEFT A DISTANCE OF 25.003 METERS (82.02 FEET), THENCE SOUTHEASTERLY DEFLECTING 006 DEGREES 52 MINUTES 31 SECONDS LEFT A DISTANCE OF 25.003 METERS (82.02 FEET), THENCE SOUTHEASTERLY DEFLECTING 007 DEGREES 50 MINUTES 12 SECONDS RIGHT A DISTANCE OF 25.003 METERS (82.02 FEET), THENCE SOUTHEASTERLY DEFLECTING 007 DEGREES 50 MINUTES 18 SECONDS LEFT A DISTA

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DEGREES 30 MINUTES 28 SECONDS RIGHT A DISTANCE OF 25.018 METERS (82.08 FEET), THENCE EASTERLY DEFLECTING 022 DEGREES 28 MINUTES 53 SECONDS LEFT A DISTANCE OF 6.000 METERS (19.69 FEET), THENCE EASTERLY DEFLECTING 003 DEGREES 52 MINUTES 43 SECONDS RIGHT A DISTANCE OF 9.350 METERS (30.68 FEET), THENCE SOUTHEASTERLY DEFLECTING 016 DEGREES 36 MINUTES 13 SECONDS RIGHT A DISTANCE OF 10.274 METERS (33.71 FEET), THENCE SOUTHEASTERLY DEFLECTING 002 DEGREES 25 MINUTES 35 SECONDS LEFT A DISTANCE OF 25.003 METERS (82.03 FEET), THENCE EASTERLY DEFLECTING 015 DEGREES 52 MINUTES 14 SECONDS LEFT A DISTANCE OF 25.786 METERS (84.60 FEET), THENCE SOUTHEASTERLY DEFLECTING 010 DEGREES 27 MINUTES 14 SECONDS RIGHT A DISTANCE OF 25.786 METERS (84.60 FEET), THENCE SOUTHEASTERLY DEFLECTING 010 DEGREES 27 MINUTES 24 SECONDS RIGHT A DISTANCE OF 25.053 METERS (82.12) FEET), THENCE SOUTHEASTERLY DEFLECTING 016 DEGREES 26 MINUTES 28 SECONDS RIGHT AD DISTANCE OF 25.054 METERS (86.00 FEET), THENCE SOUTHEASTERLY DEFLECTING 016 DEGREES 26 MINUTES 28 SECONDS RIGHT AD DISTANCE OF 25.004 METERS (82.06 FEET), THENCE SOUTHEASTERLY DEFLECTING 018 DEGREES 26 MINUTES 25 SECONDS RIGHT AD DISTANCE OF 25.004 METERS (82.03 FEET), THENCE SOUTHEASTERLY DEFLECTING 018 DEGREES 07 MINUTES 15 SECONDS RIGHT AD DISTANCE OF 25.004 METERS (82.03 FEET), THENCE SOUTHEASTERLY DEFLECTING 019 DEGREES 45 MINUTES 51 SECONDS RIGHT AD DISTANCE OF 25.004 METERS (82.03 FEET), THENCE SOUTHEASTERLY DEFLECTING 019 DEGREES 36 MINUTES 51 SECONDS RIGHT AD DISTANCE OF 25.004 METERS (82.04 FEET), THENCE SOUTHEASTERLY DEFLECTING 019 DEGREES 36 MINUTES 51 SECONDS RIGHT AD DISTANCE OF 25.005 METERS (82.07 FEET), THENCE SOUTHEASTERLY DEFLECTING 019 DEGREES 36 MINUTES 31 SECONDS RIGHT AD DISTANCE OF 25.026 METERS (82.07 FEET), THENCE SOUTHEASTERLY DEFLECTING 019 DEGREES 30 MINUTES 31 SECONDS RIGHT AD DISTANCE OF 25.028 METERS (82.07 FEET), THENCE SOUTHEASTERLY DEFLECTING 019 DEGREES 30 MINUTES 31 SECONDS RIGHT AD DISTANCE OF 25.028 METERS (82.09 FEET), THENCE SOUTHEASTERLY DEFLECTING 009 DEG

RIGHT A DISTANCE OF 20.683 METERS (67.86 FEET), THENCE
NORTHWESTERLY DEFLECTING 004 DEGREES 49 MINUTES 27 SECONDS LEFT A
DISTANCE OF 25.025 METERS (82.10 FEET), THENCE NORTHWESTERLY
DEFLECTING 005 DEGREES 32 MINUTES 31 SECONDS LEFT A DISTANCE OF
25.034 METERS (82.13 FEET), THENCE NORTHWESTERLY DEFLECTING 004
DEGREES 05 MINUTES 58 SECONDS RIGHT A DISTANCE OF 25.005 METERS
(82.04 FEET), THENCE NORTHWESTERLY DEFLECTING 001 DEGREES 06
MINUTES 00 SECONDS LEFT A DISTANCE OF 25.000 METERS (82.02 FEET),
THENCE NORTHWESTERLY DEFLECTING 002 DEGREES 28 MINUTES 25 SECONDS
RIGHT A DISTANCE OF 25.024 METERS (82.10 FEET), THENCE
NORTHWESTERLY DEFLECTING 011 DEGREES 56 MINUTES 25 SECONDS
RIGHT A DISTANCE OF 25.024 METERS (82.10 FEET), THENCE
NORTHWESTERLY DEFLECTING 011 DEGREES 56 MINUTES 56 SECONDS RIGHT A
DISTANCE OF 25.816 METERS (84.70 FEET), THENCE NORTHWESTERLY
DEFLECTING 011 DEGREES 58 MINUTES 18 SECONDS LEFT A DISTANCE OF
25.023 METERS (82.10 FEET), THENCE NORTHWESTERLY DEFLECTING 012
DEGREES 07 MINUTES 18 SECONDS LEFT A DISTANCE OF 25.359 METERS
(83.20 FEET), THENCE NORTHWESTERLY DEFLECTING 013 DEGREES 30
MINUTES 55 SECONDS RIGHT A DISTANCE OF 25.035 METERS (82.21 FEET),
THENCE NORTHWESTERLY DEFLECTING 006 DEGREES 45 MINUTES 28 SECONDS
RIGHT A DISTANCE OF 25.436 METERS (83.45 FEET), THENCE
NORTHWESTERLY DEFLECTING 001 DEGREES 15 MINUTES 21 SECONDS LEFT A
DISTANCE OF 25.438 METERS (83.45 FEET), THENCE
NORTHWESTERLY DEFLECTING 003 DEGREES 15 MINUTES 07 SECONDS
RIGHT A DISTANCE OF 25.438 METERS (83.45 FEET), THENCE
NORTHWESTERLY DEFLECTING 003 DEGREES 45 MINUTES 07 SECONDS
RIGHT A DISTANCE OF 25.438 METERS (83.26 FEET), THENCE NORTHWESTERLY
DEFLECTING 012 DEGREES 15 MINUTES 07 SECONDS
RIGHT A DISTANCE OF 25.038 METERS (82.05 FEET),
THENCE NORTHWESTERLY DEFLECTING 003 DEGREES 35 MINUTES 07 SECONDS
RIGHT A DISTANCE OF 25.018 METERS
(82.08 FEET), THENCE NORTHWESTERLY DEFLECTING 003 DEGREES 36
RIGHT A DISTANCE OF 25.019 METERS (82.05 FEET),
THENCE NORTHWESTERLY DEFLECTING 000 DEGREES 57 MINUTES 41 SECONDS
RIGHT A DISTANCE OF DEFLECTING 001 DEGREES 18 MINUTES 20 SECONDS RIGHT A DISTANCE OF 25.002 METERS (82.03 FEET), THENCE NORTHWESTERLY DEFLECTING 001 DEGREES 00 MINUTES 29 SECONDS LEFT A DISTANCE OF 25.010 METERS (82.05 FEET), THENCE NORTHWESTERLY DEFLECTING 000 DEGREES 13 MINUTES 44 SECONDS LEFT A DISTANCE OF 25.013 METERS (82.06 FEET), THENCE NORTHWESTERLY DEFLECTING 001 DEGREES 55 MINUTES 28 SECONDS RIGHT A DISTANCE OF 25.000 METERS (82.02 FEET), THENCE NORTHWESTERLY DEFLECTING 000 DEGREES 11 MINUTES 00 SECONDS RIGHT A DISTANCE OF 25.000 METERS (82.02 FEET), THENCE NORTHWESTERLY Page 3

DEFLECTING 000 DEGREES 02 MINUTES 45 SECONDS RIGHT A DISTANCE OF 25.000 METERS (82.02 FEET), THENCE NORTHWESTERLY DEFLECTING 002 DEGREES 10 MINUTES 36 SECONDS LEFT A DISTANCE OF 25.014 METERS (82.07 FEET), THENCE NORTHWESTERLY DEFLECTING 006 DEGREES 05 MINUTES 17 SECONDS RIGHT A DISTANCE OF 25.067 METERS (82.24 FEET), THENCE NORTHWESTERLY DEFLECTING 007 DEGREES 01 MINUTES 34 SECONDS LEFT A DISTANCE OF 25.031 METERS (82.12 FEET), THENCE NORTHWESTERLY DEFLECTING 002 DEGREES 14 MINUTES 37 SECONDS RIGHT A DISTANCE OF 25.001 METERS (82.02 FEET), THENCE NORTHWESTERLY DEFLECTING 003 DEGREES 16 MINUTES 31 SECONDS RIGHT A DISTANCE OF 25.027 METERS (82.11 FEET), THENCE NORTHWESTERLY DEFLECTING 007 DEGREES 11 MINUTES 06 SECONDS LEFT A DISTANCE OF 25.077 METERS (82.27 FEET), THENCE NORTHWESTERLY DEFLECTING 005 DEGREES 21 MINUTES 13 SECONDS RIGHT A DISTANCE OF 25.003 METERS (82.03 FEET), THENCE NORTHWESTERLY DEFLECTING 005 DEGREES 21 MINUTES 13 SECONDS RIGHT A DISTANCE OF 25.002 METERS (82.03 FEET), THENCE NORTHWESTERLY DEFLECTING 000 DEGREES 25 MINUTES 44 SECONDS RIGHT A DISTANCE OF 25.011 METERS (82.06 FEET). THENCE NORTHWESTERLY DEFLECTING 000 DEGREES 34 MINUTES 21 SECONDS LEFT A DISTANCE OF 25.005 METERS (82.04 FEET), THENCE NORTHWESTERLY DEFLECTING 000 DEGREES 18 MINUTES 39 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET), THENCE NORTHEASTERLY DEFLECTING 002 DEGREES 18 MINUTES 39 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET), THENCE NORTHEASTERLY DEFLECTING 002 DEGREES 18 MINUTES 39 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET), THENCE NORTHEASTERLY DEFLECTING 002 DEGREES 18 MINUTES 39 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET), THENCE NORTHEASTERLY DEFLECTING 002 DEGREES 18 MINUTES 39 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET), THENCE NORTHEASTERLY DEFLECTING 002 DEGREES 18 MINUTES 39 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET), THENCE NORTHEASTERLY DEFLECTING 002 DEGREES 38 MINUTES 21 SECONDS RIGHT A DISTANCE OF 25.044 METERS (82.17 FEET),

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