

201306788
Carol Givens
Register of Deeds
DODGE COUNTY, NE
Filed:
December 20, 2013 11:55:00 AM
Fee \$52.00

DATE
12/20/13

Please return to:
David C. Mitchell
81 West 5th Street
Fremont, NE 68025

EASEMENT AGREEMENT

This Easement Agreement is entered into this 19th day of December, 2013 by and between the City of Fremont, Nebraska ("City") and the Young Men's Christian Association of Fremont, Nebraska ("YMCA") on the following terms and conditions:

Preliminary Statement

A. The YMCA is a nonprofit health and wellness facility located at 810 North Lincoln Avenue, Fremont, Nebraska and which is the owner of real estate and improvements as legally described on Exhibit "A" attached hereto (the "YMCA Property"); and,

B. The YMCA recently purchased tracts of land from the City as legally described on Exhibit "B", attached hereto and as further referenced as Parcel No. 1 and Parcel No. 2 on Exhibit "B". As part of the consideration for the purchase of Parcel No. 1 and Parcel No. 2, the City has agreed to convey various ingress, egress, parking and negative easements to the YMCA as more particularly set forth herein. The easements given by the City in favor of the YMCA concern real estate and improvements owned by the City that are legally described on Exhibits "C", "C-1" and "C-2" attached hereto (collectively "Exhibit "C") and are referenced under Exhibit "C" as Easement No. 1, Easement No. 2, Easement No. 3 and Easement No. 4.

Agreement

For and in consideration of the terms, conditions and mutual covenants set forth herein and for good and valuable consideration, the sufficiency of which is acknowledged by both parties, it is agreed:

1. Incorporation of Preliminary Statement. The foregoing Preliminary Statement is incorporated into the body of this Agreement in its entirety as if fully set forth herein.

2. Easement Grants.

a. Parking and Ingress/Egress Easements. The City does hereby grant and convey a permanent and perpetual non-exclusive easement to the YMCA for purposes of ingress, egress and vehicular parking for the benefit of the YMCA and its staff, members, users, lawful entrants, licensees, invitees, guests and visitors over, upon and through the real property identified in connection with Easement No. 1, Easement No. 2 and Easement No. 3 on Exhibit "C" attached hereto.

b. Negative Easements. The City does hereby grant and convey a negative easement for the benefit of the YMCA by the terms of which the City agrees that no structure or improvement shall be built on Easement No. 3 or Easement No. 4 which unreasonably impairs or interferes, in the reasonable judgment of the YMCA, with the street curb view of the YMCA Property. The City shall limit the construction or erection of any structures or improvements on Easement No. 3 and Easement No. 4 to a veterans memorial, open shelter, parking and/or landscaping to be determined, designed and constructed, if at all, in reasonable cooperation with the YMCA in a manner that is architecturally and aesthetically harmonious with the YMCA improvements located on the YMCA Property.

c. Additional Parking Facilities. The YMCA shall have the right to construct additional public parking facilities on the real estate identified as Easement No. 3 on Exhibit "C". The construction of the public parking facilities shall be at the YMCA's cost pursuant to recommendations from an architect retained by the YMCA and subject to approval by the City which shall not be unreasonably withheld. The YMCA shall not allow any liens to be placed upon Easement No. 3 and shall indemnify the City against any construction cost. After any such parking facilities are constructed, the YMCA shall continue to retain its non-exclusive perpetual easement of ingress, egress and parking as specified in paragraph 2a above.

3. Maintenance and Repair. The City agrees to provide, at its cost, all further improvement, maintenance and repair of parking improvements on Easement No. 1, Easement No. 2 and Easement No. 3. The YMCA will provide all snow removal in connection with Easement No. 1, Easement No. 2 and Easement No. 3.

4. Permanency of Easements. All easements granted and conveyed in connection with this Agreement shall be perpetual, permanent and shall run with the land.

5. Binding Effect. This Agreement shall be binding on and inure to the benefit of the parties hereto together with their assigns and successors.

6. Nebraska Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Nebraska.

SIGNATURE PAGE TO FOLLOW

CITY OF FREMONT, NEBRASKA,

By *Scott R. Getzschman*
Scott R. Getzschman, Its Mayor

YOUNG MEN'S CHRISTIAN
ASSOCIATION OF FREMONT,
NEBRASKA,

By *Jerry J. Rinne*
Jerry J. Rinne, Executive Director/
Chief Executive Officer

STATE OF NEBRASKA)
) ss
COUNTY OF DODGE)

The foregoing instrument was acknowledged before me this 19 day of December 2013, by Scott R. Getzschman, as Mayor of the City of Fremont, Nebraska, known to me personally or who has provided proof of identification to me.



Heather Rahlfs
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DODGE)

The foregoing instrument was acknowledged before me this 19 day of December 2013, by Jerry J. Rinne, as Executive Director/Chief Executive Officer of the Young Men's Christian Association of Fremont, Nebraska known to me personally or who has provided proof of identification to me.



Heather Rahlfs
Notary Public

Overall Parcel:

EXHIBIT "A" -- YMCA PROPERTY

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, and the Southeast Quarter of the Southwest Quarter of Section 13, all in Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows:

Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence S89°42'41"E (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24 and the true point of beginning; thence continuing S89°42'41"E on said North Line, a distance of 165.00 feet to the Southwest Corner of Tax Lot 73, of said Section 13; thence N00°17'19"E, a distance of 20.00 feet to the Northwest Corner of said Tax Lot 73; thence S89°42'41"E on the North Line of said Tax Lot 73, a distance of 160.00 feet to the Northeast Corner of said Tax Lot 73; thence S00°17'19"W on the East Line of said Tax Lot 73, a distance of 20.00 feet to the Southeast Corner of said Tax Lot 73; thence S00°17'19"W on the North Line of Tax Lot 118, of said Section 24, a distance of 25.00 feet; thence S89°42'41"E continuing on the North Line of said Tax Lot 118, a distance of 208.00 feet to the Northeast Corner of said Tax Lot 118; thence continuing S89°42'41"E parallel with the North Line of said Section 24, a distance of 130.54 feet; thence S08°44'12"W, a distance of 168.06 feet to the Northeast Corner of a parcel of land described by a quitclaim deed recorded in Dodge County Book 2003, page 4902; thence on the East Line of said parcel as follows, S08°44'12"W 111.29 feet, N80°45'02"W 27.66 feet, S08°44'03"W 196.54 feet, N89°46'32"W 84.26 feet, S00°03'12"W 134.61 feet to the Southeast Corner of said parcel; thence N89°56'48"W on the South Line of said parcel, a distance of 172.00 feet to the Southwest Corner of said parcel; thence N89°56'48"W, a distance of 30.00 feet; thence S00°03'12"W, a distance of 56.72 feet; thence N89°46'32"W, a distance of 279.96 feet to a point on the East Line of said Lincoln Avenue; thence N00°12'09"E on said East Line, a distance of 295.00 feet to the Southwest Corner of Tax Lot 106 of said Section 24; thence N00°13'28"E continuing on said East Line, a distance of 389.00 feet to the true point of beginning, containing 8.73 acres, more or less.

EXHIBIT "B"

Parcel No. 1:

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows: Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence S89°42'41"E (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24; thence S00°13'28"W on said East Line, a distance of 389.00 feet to the Southwest Corner of said Tax Lot 106, this being the true point of beginning; thence S89°46'32"E on the South Line of said Tax Lot 106, a distance of 203.19 feet to a point on the West Line of a parcel of land described by a quitclaim deed recorded in Dodge County Book 2003, page 4902; thence S00°03'12"W on said West Line, a distance of 144.41 feet; thence S89°56'48"E continuing on said West Line, a distance of 106.00 feet; thence S00°03'12"W continuing on said West Line, a distance of 94.10 feet to the Southwest Corner of said parcel; thence N89°56'48"W, a distance of 30.00 feet; thence S00°03'12"W, a distance of 56.72 feet; thence N89°46'32"W, a distance of 279.96 feet to a point on the East Line of said Lincoln Avenue; thence N00°12'09"E on said East Line, a distance of 295.00 feet to the true point of beginning.

Parcel No. 2:

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows: Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence S89°42'41"E (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24; thence continuing S89°42'41"E on said North Line, a distance of 325.00 feet to the Southeast Corner of Tax Lot 73, of Section 13, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska; thence S00°17'19"W on the North Line of Tax Lot 118, of said Section 24, a distance of 25.00 feet; thence S89°42'41"E continuing on the North Line of said Tax Lot 118, a distance of 208.00 feet to the Northeast Corner of said Tax Lot 118, this being the true point of beginning; thence S00°17'19"W on the East Line of said Tax Lot 118, a distance of 166.36 feet to a point on the North Line of a parcel of land described by a quitclaim deed recorded in Dodge County Book 2003, page 4902; thence S89°46'32"E on said North Line, a distance of 105.84 feet to the Northeast Corner of said parcel; thence N08°44'12"E, a distance of 168.06 feet to a point being 25.00 feet south of the North Line of said Section 24, when measured at right angles; thence N89°42'41"W parallel with said North Line, a distance of 130.54 feet to the true point of beginning.

FREMONT FAMILY YMCA - EASEMENT PLAT
 PART OF THE NW1/4 OF SECTION 24 AND PART OF THE SW1/4 OF SECTION 13
 ALL IN TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

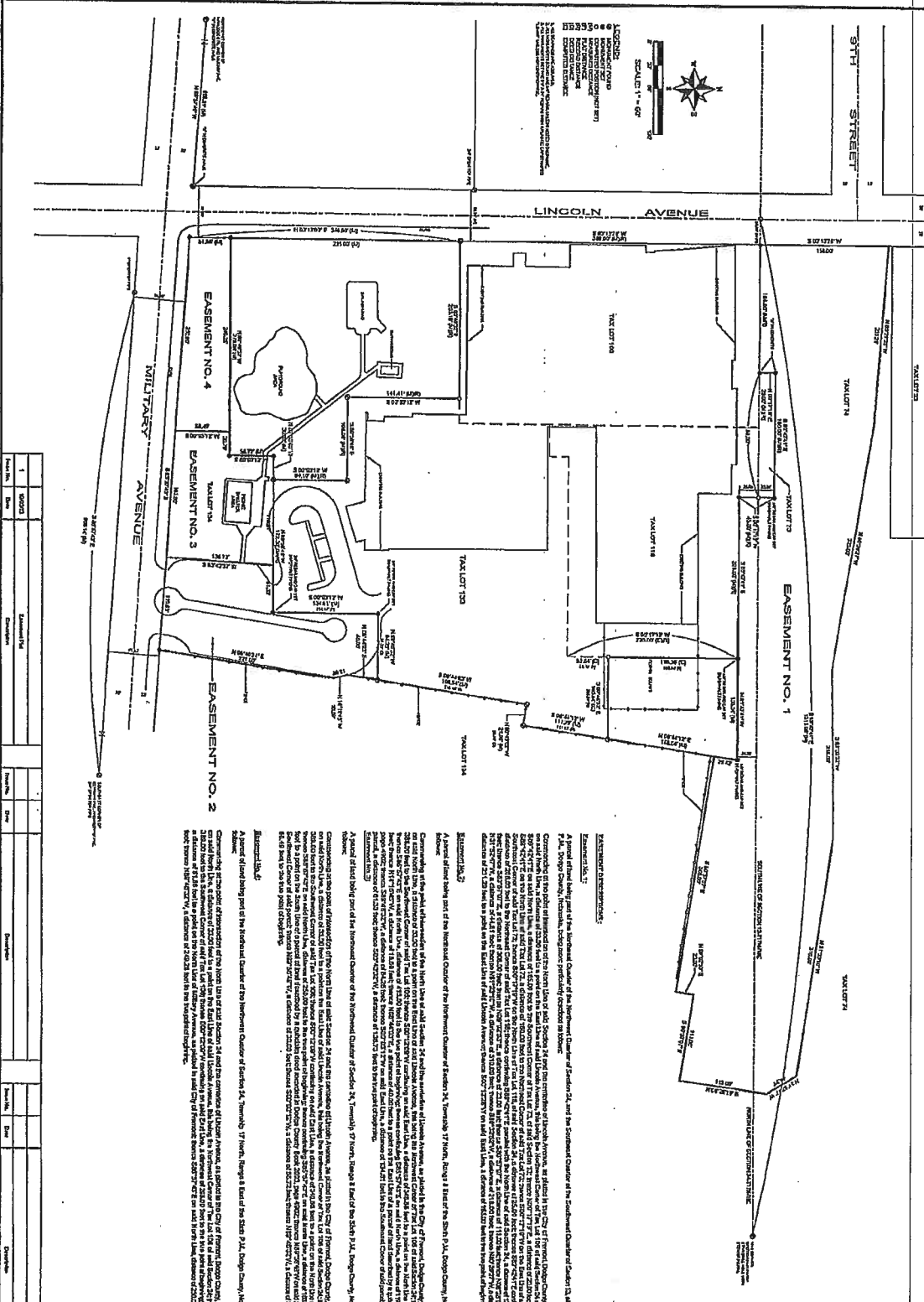


EXHIBIT "C"

Block	Subdiv	Section	Township	Range	East of 6th P.M.	North of 17th
1	5032					

Block: Fremont Family YMCA
 Subdiv: 1503/15
 Section: 1503/15
 Township: 17 North
 Range: 8 East
 East of 6th P.M.: 8
 North of 17th: 13

EASEMENT PLAT
FREMONT FAMILY YMCA
 PART OF THE NW1/4 OF SECTION 24 AND PART OF THE SW1/4 OF SECTION 13
 ALL IN TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA

FREMONT FAMILY YMCA
 610 N. Liberty
 Fremont, NE 68020

APEX SURVEYING, LLC
 Gary H. Hartzel, P.E.
 125 N. Clark Ave., Fremont, Nebraska 68025
 (402) 726-9230 Office / Mobile
 Gary.hartzel@apexsurvey.com

EASEMENT NO. 1
 A portion of the land being part of the Northeast Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows: ...

EASEMENT NO. 2
 A portion of the land being part of the Northeast Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows: ...

EASEMENT NO. 3
 A portion of the land being part of the Northeast Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows: ...

EASEMENT NO. 4
 A portion of the land being part of the Northeast Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows: ...

City of Fremont / Fremont Family YMCA
Sections 13 & 24, Township 17 North, Range 8 East
Dodge County, Nebraska

EXHIBIT "C-1"

Easement No. 1:

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, and the Southeast Quarter of the Southwest Quarter of Section 13, all in Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows:

Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence S89°42'41"E (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24 and the true point of beginning; thence continuing S89°42'41"E on said North Line, a distance of 165.00 feet to the Southwest Corner of Tax Lot 73, of said Section 13; thence N00°17'19"E, a distance of 20.00 feet to the Northwest Corner of said Tax Lot 73; thence S89°42'41"E on the North Line of said Tax Lot 73, a distance of 160.00 feet to the Northeast Corner of said Tax Lot 73; thence S00°17'19"W on the East Line of said Tax Lot 73, a distance of 20.00 feet to the Southeast Corner of said Tax Lot 73; thence S00°17'19"W on the North Line of Tax Lot 118, of said Section 24, a distance of 25.00 feet; thence S89°42'41"E continuing on the North Line of said Tax Lot 118, a distance of 208.00 feet to the Northeast Corner of said Tax Lot 118; thence continuing S89°42'41"E parallel with the North Line of said Section 24, a distance of 130.54 feet; thence S08°44'12"W, a distance of 29.42 feet; thence S80°57'07"E, a distance of 308.00 feet; thence N09°02'53"E, a distance of 23.00 feet; thence S80°57'07"E, a distance of 111.00 feet; thence N08°28'19"E, a distance of 113.00 feet; thence N31°52'47"W, a distance of 44.81 feet; thence N81°23'10"W, a distance of 310.00 feet; thence S89°32'52"W, a distance of 216.00 feet; thence N80°29'27"W, a distance of 320.00 feet; thence N85°29'20"W, a distance of 231.29 feet to a point on the East Line of said Lincoln Avenue; thence S00°13'28"W on said East Line, a distance of 165.00 feet to the true point of beginning.

Easement No. 2:

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows:

Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence S89°42'41"E (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24; thence S00°13'28"W on said East Line, a distance of 389.00 feet to the Southwest Corner of said Tax Lot 106; thence S00°12'09"W continuing on said East Line, a distance of 346.86 feet to a point on the North Line of Military Avenue, as platted in said City of Fremont; thence S85°57'43"E on said North Line, distance of 413.00 feet to the true point of beginning; thence continuing S85°57'43"E on said North Line, a distance of 119.65 feet; thence N08°40'24"E, a distance of 224.00 feet; thence N14°16'45"W, a distance of 18.69 feet; thence N08°44'03"E, a distance of 40.00 feet to a point on the East Line of a parcel of land described by a quitclaim deed recorded in Dodge County Book 2003, page 4902; thence S89°46'32"W, a distance of 84.26 feet; thence S00°03'12"W on said East Line, a distance of 134.61 feet to the Southeast Corner of said parcel; thence N89°56'48"W on the South Line of said parcel, a distance of 61.33 feet; thence S03°43'32"W, a distance of 136.73 feet to the true point of beginning.

EXHIBIT "C-2"

Easement No. 3:

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows:

Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence $S89^{\circ}42'41''E$ (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24; thence $S00^{\circ}13'28''W$ on said East Line, a distance of 389.00 feet to the Southwest Corner of said Tax Lot 106; thence $S00^{\circ}12'09''W$ continuing on said East Line, a distance of 346.86 feet to a point on the North Line of Military Avenue, as platted in said City of Fremont; thence $S85^{\circ}57'43''E$ on said North Line, distance of 250.00 feet to the true point of beginning; thence continuing $S85^{\circ}57'43''E$ on said North Line, a distance of 163.00 feet; thence $N03^{\circ}43'32''E$, a distance of 136.73 feet to a point on the South Line of a parcel of land described by a quitclaim deed recorded in Dodge County Book 2003, page 4902; thence $N89^{\circ}56'48''W$ on said South Line, a distance of 110.67 feet to the Southwest Corner of said parcel; thence $N89^{\circ}56'48''W$, a distance of 30.00 feet; thence $S00^{\circ}03'12''W$, a distance of 56.72 feet; thence $N89^{\circ}46'32''W$, a distance of 30.70 feet; thence $S00^{\circ}03'12''W$, a distance of 68.49 feet to the true point of beginning.

Easement No. 4:

A parcel of land being part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 17 North, Range 8 East of the Sixth P.M., Dodge County, Nebraska, being more particularly described as follows:

Commencing at the point of intersection of the North Line of said Section 24 and the centerline of Lincoln Avenue, as platted in the City of Fremont, Dodge County, Nebraska; thence $S89^{\circ}42'41''E$ (assumed bearing) on said North Line, a distance of 33.00 feet to a point on the East Line of said Lincoln Avenue, this being the Northwest Corner of Tax Lot 106 of said Section 24; thence $S00^{\circ}13'28''W$ on said East Line, a distance of 389.00 feet to the Southwest Corner of said Tax Lot 106; thence $S00^{\circ}12'09''W$ continuing on said East Line, a distance of 295.00 feet to the true point of beginning; thence continuing $S00^{\circ}12'09''W$ on said East Line, a distance of 51.86 feet to a point on the North Line of Military Avenue, as platted in said City of Fremont; thence $S85^{\circ}57'43''E$ on said North Line, distance of 250.00 feet; thence $N00^{\circ}03'12''E$, a distance of 68.49 feet; thence $N89^{\circ}46'32''W$, a distance of 249.26 feet to the true point of beginning.