

NEBRASKA DOCUMENTARY STAMP TAX

Feb 27, 2017

By: CG \$19,237.50

DOCUMENT#: **201700978**

Recorded 02-27-2017 at 08:59 AM

Carol Givens, Register of Deeds

DODGE COUNTY NE

Pages: 7 Fee: \$46.00

\*\*\*The above recording information verifies this document has been electronically recorded and returned to the submitter\*\*\*

AFTER RECORDING RETURN TO:

First American Title Insurance Company National Commercial Services

818 Stewart Street, Suite 800

Seattle, WA 98101

**WARRANTY DEED**

1ST AM

792109

KNOW ALL MEN BY THESE PRESENTS, that Hills Farm, Inc., a Nebraska corporation, herein called the GRANTOR, whether one or more, in consideration of One Dollar and other valuable consideration received from GRANTEE, does grant, bargain, sell, convey and confirm unto PCCW, Inc., a Washington corporation, herein called the Grantee whether one or more, the following described real property in Dodge County, Nebraska:

**ATTACHED EXHIBIT A - LEGAL DESCRIPTION**

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the GRANTEE and to GRANTEE'S successors and assigns forever.

And GRANTOR does hereby covenant with the GRANTEE and with GRANTEE's successors and assigns that GRANTOR is lawfully seized of said premises; that they are free from encumbrance, except those easements, restrictions and covenants of record as shown on attached Exhibit B - Permitted Exceptions.

That GRANTOR has good right and lawful authority to convey the same; and that GRANTOR warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

EXECUTED: 2-16-17

Hills Farm, Inc., a Nebraska corporation

By: Fred W. Culp  
Name: FRED W. CULP  
Title: PRESIDENT Hills Farm Inc

STATE OF New Mexico,  
COUNTY OF Bernalillo ss.

On the 16<sup>th</sup> day of February, 2017, before me, the undersigned, a Notary Public, duly commissioned and qualified in said County, personally came Hills Farm, Inc., a Nebraska corporation known to be the identical person(s) whose name(s) Fred W. Culp affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

Theresa M. Peters  
NOTARY PUBLIC

My commission expires: 03/24/2018



## **Exhibit "A"**

### **Legal Description**

Real property in the City of Fremont, County of Dodge, State of Nebraska, described as follows:

**Parcel 1:**

**Tract A:**

A tract of land situate in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) and in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, the said tract comprising those same parcels of land acquired by the Union Pacific Railroad Company by the hereinafter-described instruments from the following-named parties:

- i) Deed dated November 20, 1948 from Fremont Stockyards & Land Company, duly recorded in the said county in Book 89 of Deeds at Page 638;
- ii) Parcel "A" in deed dated November 20, 1948 from Fremont Stockyards & Land Company, duly recorded in the said county in Book 89 of Deeds at Page 639;
- iii) Warranty Deed dated September 16, 1950 from Hills Farm, Inc., duly recorded in the said county in Book 93 of Deeds at Page 421; and
- iv) Deed dated October 29, 1976 from Chicago & North Western Transportation Company, duly recorded in the said county in Book 175 at Page 719.

EXCEPTING THEREFROM, those portions of the above-described tract situate Northerly of the southerly boundaries of the parcels of land conveyed by Union Pacific Railroad Company to the County of Dodge, Nebraska by deed dated February 22, 1997, duly recorded in the said county in Book 253 of Deeds at Page 137.

**Tract B:**

A parcel of land situated in the SW1/4 NW1/4 of Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, being a portion of the same property described in deed from Chicago and North Western Transportation Company to Burlington Northern Inc. recorded August 1, 1977 in Book 176, page 7 records of said county, described as follows, to-wit:

Commencing at a point in the West line of said Section 25 that is 563.98 feet distant South from the centerline of the southerly or eastbound main track of the Union Pacific Railroad Company as now located and constructed; thence Southeasterly along a straight line that forms an angle of 44°36' measured from South to Southeast with said West line, and parallel with and 396 feet normally distant Southwesterly from said southerly or eastbound main track centerline, a distance of 1,064.45 feet to a point of curve; thence Southeasterly and Southerly along a tangential curve concave Southwesterly having a radius of 706.99 feet, an arc length of 552.82 feet to the True Point of Beginning and the Southwest corner of the parcel of land being described; thence Easterly along a straight line drawn radially to the end of the last described curve 67.5 feet; thence Northerly parallel with and 10.0 feet normally distant Easterly from the centerline of Track V-45, as described in the hereinabove referenced deed, a distance of 88 feet, more or less; thence Westerly at right angle to the centerline of Track V-45 a distance of 10 feet, more or less; thence Northwesterly along a line concentric with and 10.0 feet distant Northeasterly, measured radially, from the centerline of Track 44, as described in the hereinabove referenced deed, a distance of 64 feet, more or less, to a point; thence Northerly along a line parallel with and 10.0 feet normally distant Southwesterly from Track V-18A a distance of 98 feet, more or less, to a point 70.0 feet Northeasterly, as measured radially from the hereinabove first described curve; thence Northwesterly along a curve concave Southwesterly and concentric with the hereinabove first described curve, having a radius of 776.99 feet an arc length of 130 feet more or less, to the most Easterly corner of Parcel B of two parcels of land described in Quitclaim Deed dated July 25, 1997 from The Burlington Northern and Santa Fe Railway Company to Dodge County; thence Northwesterly along the Southerly boundary of Parcel A and Parcel B described in said Quitclaim Deed dated July 25, 1997, along a curve concave Southwesterly having a radius of 1,308.22 feet, an arc length of 130 feet, more or less, to the Southwest corner of Parcel A described in said Quitclaim Deed dated July 25, 1997, said Southwest corner being located on the hereinabove first described curve having a radius of 706.99 feet; thence Southeasterly and Southerly along the hereinabove first described curve having a radius of 706.99 feet an arc length of 450 feet, more or less, to the True Point of Beginning.

#### Parcel 2:

Tax Lots 33, 39, 40, 45 and 91, in Section 26, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, EXCEPT those parcels conveyed out by Warranty Deed, filed September 1, 1892, in Book 15, Page 614; Warranty Deed filed September 1, 1905 in Book 29, Page 494; Deed filed September 5, 1985, in Book 190, Page 267; Warranty Deed filed July 11, 1986, in Book 191, Page 319; Warranty Deed filed May 17, 2007, in Book 2007, Page 3063; and Warranty Deed filed May 17, 2007, in Book 2007, Page 3086.

#### Parcel 3:

Tax Lots 22, 23 and 24, in Section 36, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska; EXCEPT that part conveyed by Warranty Deed, filed August 17, 1988, in Book 198, Page 677; Warranty Deed filed November 12, 1997, in Book 258, Page 91; Quitclaim Deed, filed May 17, 2007, in Book 2007, Page 3064; and Amended by Affidavit, filed March 15, 2010, in Book 2010, Page 1057.

#### Parcel 4:

Blocks 2, 3, 4, 5, 6, 7, and 10, South Fremont Addition to Fremont, Dodge County, Nebraska, EXCEPTING THEREFROM A tract of land located in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 26, Township 17 North, Range 08 East of the 6th P.M., Dodge County, Nebraska, being more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 26; thence on an assumed bearing of S87°43'41"W on the north line of said Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 26, 194.65 feet to a point on the west line of the BNSF railroad right-of-way, said point also being the Point of Beginning; thence S05°06'02"E on said west line of the BNSF railroad right-of-way, 1177.42 feet to a point that intersects said west line of the BNSF railroad right-of-way and the north right-of-way line of Hills Farm Road; thence N59°05'58"W on said north right-of-way line of Hills Farm Road, 250.00 feet; thence N02°10'53"W, 656.00 feet; thence S87°49'07"W, 33.00 feet; thence N02°10'53"W, 383.15 feet to a point on said north line of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 26; thence N87°43'41"E on said north line of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 26, 182.51 feet to the Point of Beginning.

Parcel 5:

Lot 2R, Block 1, South Fremont Addition to Fremont, Dodge County, Nebraska.

Parcel 6:

Tax Lot 44, Section 36, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska; EXCEPT that part conveyed by Warranty Deed, filed November 12, 1997, in Book 258, Page 91.

Parcel 7:

Tract A:

All of Lots 2, 2A, 4A, 5A and Part of Lots 3 and 3A in the Village of Inglewood, Dodge County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Lot 2A; thence south along the east liens of Lots 2A, 4A and 5A a distance of 72.70 feet to the Southeast corner of Lot 5A; thence west along the south line Lot 5A a distance of 545.5 feet to the Southwest corner Lot 5A; thence continuing west on the south line Lot 5A extended west a distance of 70.92 feet to the east line of Main Street; thence northerly along the east line of Main Street a distance of 139.19 feet to the Northwest corner Lot 2; thence east 49.9 feet to the Northeast corner Lot 2; thence north 65.48 feet to the Southwest corner Lot 4B; thence east 82.0 feet to the Southeast corner Lot 4B; thence northerly along the east line Lot 4B a distance of 250.27 feet to the Northeast corner Lot 4B; thence east on the south line Lot 3A 114.4 feet; thence north parallel to the east line Lot 2A 286.05 feet; thence east on the south line of Cloverly Ave. 310.56 feet to the place of beginning; EXCEPT that part conveyed by Warranty Deed, filed January 15, 1972, in Book 164, Page 465.

Tract B:

Lots 1, 6, 7, 8, 9, 10, 11, 12, 13B, 14B, 15B, East Inglewood Subdivision, Dodge County, Nebraska.

Parcel 8:

Tax Lots 37, 64, 78, 79 and 80, in Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska; EXCEPT those parts conveyed by Deed, filed July 9, 1946, in Book 85, Page 586; Warranty Deed, filed December 8, 1946, in Book 89, Page 639; Warranty Deed, filed October 24, 1950, in Book 93, Page 421; Warranty Deed, filed November 5, 1970, in Book 159, Page 107; Warranty Deed filed March 29, 1977 in Book 175, Page 156; Warranty Deed, filed August 17, 1988, in Book 198, Page 677; Warranty Deed, filed June 4, 1997, in Book 254, Page 735; Warranty Deed, filed December 8, 1948, in Book 89, Page 637; Warranty Deed filed November 21, 1949, in Book 94, Page 435; and Warranty Deed, filed December 8, 1948, in Book 89, Page 638.

APN: 270137691, 270102816, 270108703, 270139044, 270139045, 270108640, 270065338, 270103523, 270136299

**Exhibit "B"**  
**Permitted Exceptions**

1. General and special taxes and assessments for the fiscal year 2017, a lien not yet due or payable.
2. Plat, showing spur track, filed June 20, 1950, in Book P, Page 588, Official Records, Dodge County, Nebraska.
3. Terms and conditions of reservation of mineral rights, and covenants, contained in Quitclaim Deed, filed February 23, 2004, as Book 2004, Page 1232, Official Records, Dodge County, Nebraska.
4. Terms and conditions of reservation of mineral rights, and covenants including environmental and hazardous substances, contained in Quitclaim Deed, filed February 23, 2004, as Book 2004, Page 1233, Official Records, Dodge County, Nebraska.
5. Terms and conditions of Notice of Claim to Mineral Interest, filed August 6, 1992, as Book 221, Page 558, Official Records, Dodge County, Nebraska.
6. Terms and conditions of Right of Way Easement granted to Omaha Public Power District, filed November 5, 1984, as Book 15, Page 82, Official Records, Dodge County, Nebraska.
7. Terms and conditions of covenants, easements, and restrictions, contained in Agreement, filed June 13, 1969, as Book 4, Page 557, Official Records, Dodge County, Nebraska.  
  
Amendment to Agreement, filed January 19, 1983, in Book 13, Page 609, Official Records, Dodge County, Nebraska.
8. Terms and conditions of Notice of Apportionment of Benefits by Farmland, Fremont and Railroad Drainage District, filed October 28, 1954, as Book S, Page 357, Official Records, Dodge County, Nebraska.
9. Terms and conditions of Oil and Gas Lease, filed January 26, 1986, as Book 16, Page 282, Official Records, Dodge County, Nebraska.  
  
Assignment of Oil and Gas Lease, filed February 3, 1986, in Book 16, Page 302, Official Records, Dodge County, Nebraska.
10. Terms and conditions of Easement for Electric Power Line granted to Department of Utilities of the City of Fremont, Dodge County, Nebraska, filed January 11, 1977, as Book 10, Page 90, Official Records, Dodge County, Nebraska.
11. Plat of South Fremont, filed in Book D, Page 217, Official Records, Dodge County, Nebraska.
12. Terms and conditions of Ordinance No. 139, vacating part of street, filed July 10, 1997, as Book 6, Page 704, Official Records, Dodge County, Nebraska.
13. Plat of The Village of Inglewood, filed in Book R, Page 226, Official Records, Dodge County, Nebraska.
14. Plat of East Inglewood Subdivision, filed in Book K, Page 254, Official Records, Dodge County, Nebraska.

15. Terms and conditions of Easement granted to the State of Nebraska, filed July 9, 1946, as Book O, Page 461, Official Records, Dodge County, Nebraska.
16. Plat of Survey, filed In Book P, Page 261, Official Records, Dodge County, Nebraska.
17. Terms and conditions of Ordinance No. 3887, creating Water Connection District WC-99-2, and granting authority to levy assessments, filed January 9, 2002, as Book 2002, Page 0246, Official Records, Dodge County, Nebraska.
18. Terms and conditions of Resolution No. 2002-022, levying a special assessment tax to pay the costs of Water Connection District WC-99-2, filed February 20, 2002, as Book 2002, Page 1416, Official Records, Dodge County, Nebraska.
19. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Platte or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
20. Rights of upper and lower riparian owners to the free and unobstructed flow of the waters of Platte River without diminution or pollution.
21. Water rights, claims or title to water, whether or not shown by the public records.
22. A public easement for navigation and the incidents of navigation such as boating, fishing, swimming, hunting and other recreational uses in and under the Platte River and including a public right of access to the water.
23. Rights, if any, of the United States of America, the State of Nebraska, the municipality, and the public in and to that part of the land lying within the bed of the Platte River, and the rights of other owners of land bordering on the river in respect to the water of said river.
24. Rights of the Public, State of Nebraska, County of Dodge, in and to that portion of the land taken or used for road purposes, whether by easement or fee title or statutory section line right of way.