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2002-21118

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Lloyd J. Dowding
REGISTER OF DEEDS

Counter Dm
Verify S+L
D.E. Dm
Proof AM
Fee \$ 51.50
Ck Cash Chg DK



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FOR RECORDING
INFORMATION.**

**DOCUMENT STARTS ON
NEXT PAGE.**

LLOYD J. DOWDING

SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE, STE 1109
PAPILLION, NE 68046-2895
402-593-5773

2002-21118A

AGREEMENT

THIS AGREEMENT, made and entered into this 21 day of March, 2002, by and between Dowd Grain Company, Inc., a Nebraska Corporation, ("Dowd") and the State of Nebraska, Department of Roads, ("State").

WHEREAS State seeks to acquire from Dowd a stockpile site of approximately 12.70 acres, as described on attached Exhibit "A", and right-of-way for road purposes of approximately 7.74 acres, as described on attached Exhibits "B" and "C", along Interstate 80 in the vicinity of State Highway 370 in Sarpy County, Nebraska in connection with State Project No 80-9(808), and

WHEREAS Dowd seeks to acquire approximately 5.84 acres of right-of-way presently owned by State, as described on attached Exhibit "D", and

WHEREAS the parties have reached agreement concerning the terms and manner of the acquisitions described above.

NOW THEREFORE in consideration of the following covenants and conditions the parties agree as follows:

1. At closing State shall convey by Quitclaim Deed to Dowd the land described on Exhibit "D".

2. In exchange for the conveyance of 5.84 acres from State, Dowd shall convey 5.84 acres of the right-of-way described on Exhibits "B" and "C" to State. Dowd shall convey the remaining 1.90 acres of right-of-way described on Exhibits "B" and "C" to State in exchange for the sum of \$60,800.00. At closing Dowd shall execute any other documents or instruments necessary to complete the conveyance to State and State shall pay the consideration due to Dowd.

3. Dowd shall lease the lands described on Exhibits "A" and "D" to State in accordance with the terms and conditions of the Lease Agreement attached hereto as Exhibit "D". The Lease Agreement shall be signed at closing.

4. In the event that after Dowd has completed the grading of its property adjacent to the land described on Exhibits "B" and "C", the area of land necessary for the construction of State project I-80-9(808) will lessen, making a portion of the lands acquired from Dowd "excess land". For a period of one year after the completion and acceptance of Project I-80-9(808), Dowd shall have the right to purchase any land determined by the State to be "excess land" from the sum of \$32,000.00 per acre. The parties intend that Dowd shall perform such grading contemporaneously with the

Return to: Daryl Behrends
Nebr. Dept. of Roads-R.O.W. Div.
1500 Hwy 2, Box 94759
Lincoln, NE 68509-4759

21118

I-80-9(808) Tr 2E4

2002-2118c

STAMP*02007085420 *

PROJECT 80- 9 (808) STOCKPILE

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER LYING SOUTH & EAST OF INTERSTATE 80 AND HIGHWAY 370 IN SECTION 34, TOWNSHIP T14N, RANGE 11 EAST, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTHERLY A DISTANCE OF 1754.53 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 33.00 FEET TO A POINT ON THE WESTERLY 156TH STREET RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 599.11 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 009 DEGREES, 02 MINUTES, 32 SECONDS LEFT, A DISTANCE OF 401.50 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHWESTERLY DEFLECTING 049 DEGREES, 09 MINUTES, 24 SECONDS LEFT, A DISTANCE OF 123.55 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTHERLY INTERSTATE 80 RIGHT OF WAY LINE; THENCE SOUTHWESTERLY ON A 1045.92 FOOT RADIUS CURVE TO THE LEFT, DEFLECTION TO THE INITIAL TANGENT BEING 057 DEGREES, 29 MINUTES, 21 SECONDS LEFT, A DISTANCE OF 72.87 FEET, SUBTENDING A CENTRAL ANGLE OF 003 DEGREES, 59 MINUTES 31 SECONDS ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 025 DEGREES, 59 MINUTES, 55 SECONDS LEFT, A DISTANCE OF 1047.88 FEET; THENCE SOUTHEASTERLY DEFLECTING 090 DEGREES, 05 MINUTES, 22 SECONDS LEFT, A DISTANCE OF 287.00 FEET; THENCE EASTERLY DEFLECTING 034 DEGREES, 13 MINUTES, 56 SECONDS LEFT, A DISTANCE OF 586.17 FEET TO THE POINT OF BEGINNING CONTAINING 12.80 ACRES, MORE OR LESS.

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AFN 7-21-02

Exhibit "A"

2002-2118D

STAMP*02007085420 *

PROJECT 80- 9 (808) NEW ROW SECTION 35

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER LYING SOUTH & EAST OF INTERSTATE 80 AND HIGHWAY 370 IN SECTION 34, TOWNSHIP T14N, RANGE 11 EAST, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTHERLY A DISTANCE OF 617.26 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTHWESTERLY DEFLECTING 069 DEGREES, 09 MINUTES, 44 SECONDS RIGHT, A DISTANCE OF 215.18 FEET TO A POINT ON THE SOUTHERLY INTERSTATE 80 RIGHT OF WAY LINE; THENCE SOUTHWESTERLY ON A 1045.92 FOOT RADIUS CURVE TO THE LEFT, DEFLECTION TO THE INITIAL TANGENT BEING 004 DEGREES, 51 MINUTES, 01 SECONDS LEFT, A DISTANCE OF 72.87 FEET, SUBTENDING A CENTRAL ANGLE OF 003 DEGREES, 59 MINUTES 31 SECONDS TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ON A 1045.92 FOOT RADIUS CURVE TO THE LEFT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 01 SECONDS RIGHT, A DISTANCE OF 441.33 FEET, SUBTENDING A CENTRAL ANGLE OF 024 DEGREES, 10 MINUTES 34 SECONDS ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 356.23 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 039 DEGREES, 52 MINUTES, 00 SECONDS LEFT, A DISTANCE OF 158.50 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 037 DEGREES, 55 MINUTES, 01 SECONDS RIGHT, A DISTANCE OF 100.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHWESTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 100.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 089 DEGREES, 55 MINUTES, 03 SECONDS LEFT, A DISTANCE OF 1412.98 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EASTERLY DEFLECTING 124 DEGREES, 06 MINUTES, 32 SECONDS LEFT, A DISTANCE OF 80.62 FEET ALONG SAID LINE; THENCE NORTHEASTERLY DEFLECTING 053 DEGREES, 38 MINUTES, 50 SECONDS LEFT, A DISTANCE OF 1327.13 FEET; THENCE NORTHEASTERLY DEFLECTING 002 DEGREES, 11 MINUTES, 58 SECONDS LEFT, A DISTANCE OF 1047.88 FEET TO THE POINT OF BEGINNING CONTAINING 4.79 ACRES, MORE OR LESS.

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3/21/02
RAN 3-21-02

Exhibit "B"

2002-2118E

STAMP*02007085812 *

PROJECT 80- 9 (808) TRACT 4

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY A DISTANCE OF 1319.94 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO A POINT ON THE NORTH-SOUTH ONE-SIXTEENTH QUARTER SECTION LINE OF SAID QUARTER SECTION; THENCE NORTHERLY DEFLECTING 090 DEGREES, 07 MINUTES, 01 SECONDS LEFT, A DISTANCE OF 99.00 FEET ALONG SAID LINE TO A POINT ON THE NORTHERLY EXISTING HIGHWAY RIGHT OF WAY LINE; THENCE WESTERLY DEFLECTING 090 DEGREES, 10 MINUTES, 47 SECONDS LEFT, A DISTANCE OF 388.57 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE WESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 335.33 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTHERLY EXISTING INTERSTATE 80 RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 50.36 FEET ALONG SAID RIGHT OF WAY LINE; THENCE EASTERLY DEFLECTING 089 DEGREES, 59 MINUTES, 38 SECONDS RIGHT, A DISTANCE OF 183.29 FEET; THENCE EASTERLY DEFLECTING 018 DEGREES, 20 MINUTES, 15 SECONDS RIGHT, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING CONTAINING 0.30 ACRES, MORE OR LESS.

Q/D
3/21/02
RFN 3-21-02

Exhibit "C"

2007-2/16/02

STAMP*02007085812 *

PROJECT 80- 9 (808) TRACT 4

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY A DISTANCE OF 1319.94 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO A POINT ON THE NORTH-SOUTH ONE-SIXTEENTH QUARTER SECTION LINE OF SAID QUARTER SECTION; THENCE NORTHERLY DEFLECTING 090 DEGREES, 07 MINUTES, 01 SECONDS LEFT, A DISTANCE OF 99.00 FEET ALONG SAID LINE TO A POINT ON THE NORTHERLY EXISTING HIGHWAY 370 RIGHT OF WAY LINE; THENCE WESTERLY DEFLECTING 090 DEGREES, 10 MINUTES, 47 SECONDS LEFT, A DISTANCE OF 723.90 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTHERLY EXISTING INTERSTATE 80 RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 77.90 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHERLY ON A 1809.86 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 495.78 FEET, SUBTENDING A CENTRAL ANGLE OF 015 DEGREES, 41 MINUTES 43 SECONDS ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY ON A 1809.86 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 594.02 FEET, SUBTENDING A CENTRAL ANGLE OF 018 DEGREES, 48 MINUTES 19 SECONDS ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY ON A 5573.58 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 389.10 FEET, SUBTENDING A CENTRAL ANGLE OF 004 DEGREES, 00 MINUTES 00 SECONDS ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 003 DEGREES, 49 MINUTES, 55 SECONDS RIGHT, A DISTANCE OF 285.60 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY ON A 5579.58 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 32 MINUTES, 50 SECONDS RIGHT, A DISTANCE OF 756.20 FEET, SUBTENDING A CENTRAL ANGLE OF 007 DEGREES, 45 MINUTES 55 SECONDS ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 102.10 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 002 DEGREES, 52 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 202.20 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 005 DEGREES, 44 MINUTES, 00 SECONDS LEFT, A DISTANCE OF 200.20 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 002 DEGREES, 44 MINUTES, 06 SECONDS RIGHT, A DISTANCE OF 125.09 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE NORTH LINE OF SAID QUARTER SECTION; THENCE SOUTHWESTERLY DEFLECTING 171 DEGREES, 05 MINUTES, 49 SECONDS RIGHT, A DISTANCE OF 363.18 FEET; THENCE SOUTHWESTERLY DEFLECTING 020 DEGREES, 54 MINUTES, 22 SECONDS RIGHT, A DISTANCE OF 276.32 FEET; THENCE SOUTHWESTERLY DEFLECTING 021 DEGREES, 24 MINUTES, 08 SECONDS LEFT, A DISTANCE OF 317.13 FEET; THENCE SOUTHWESTERLY DEFLECTING 009 DEGREES, 30 MINUTES, 50 SECONDS RIGHT, A DISTANCE OF 242.77 FEET; THENCE SOUTHWESTERLY DEFLECTING 015 DEGREES, 17 MINUTES, 39 SECONDS LEFT, A DISTANCE OF 340.91 FEET;

Exhibit "C"

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THENCE SOUTHWESTERLY DEFLECTING 008 DEGREES, 29 MINUTES, 16 SECONDS RIGHT, A DISTANCE OF 280.10 FEET; THENCE SOUTHWESTERLY DEFLECTING 006 DEGREES, 49 MINUTES, 56 SECONDS LEFT, A DISTANCE OF 250.94 FEET; THENCE SOUTHERLY DEFLECTING 020 DEGREES, 02 MINUTES, 56 SECONDS LEFT, A DISTANCE OF 194.89 FEET; THENCE SOUTHWESTERLY DEFLECTING 019 DEGREES, 01 MINUTES, 10 SECONDS RIGHT, A DISTANCE OF 391.62 FEET TO THE POINT OF BEGINNING CONTAINING 2.65 ACRES, MORE OR LESS.

RAD
3/21/02
RFN 3-21-02

Exhibit "C"

2002-2111811

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PROJECT 80- 9 (808) PREV. ROW SECTION 34

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTHERLY A DISTANCE OF 617.26 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE SOUTHERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 586.01 FEET ALONG SAID LINE TO A POINT ON THE SOUTHERLY INTERSTATE 80 RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 145 DEGREES, 24 MINUTES, 42 SECONDS LEFT, A DISTANCE OF 1268.16 FEET ALONG SAID RIGHT OF WAY LINE; THENCE WESTERLY DEFLECTING 124 DEGREES, 47 MINUTES, 40 SECONDS LEFT, A DISTANCE OF 140.75 FEET; THENCE SOUTHWESTERLY ON A 1000.00 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 059 DEGREES, 33 MINUTES, 48 SECONDS LEFT, A DISTANCE OF 646.59 FEET, SUBTENDING A CENTRAL ANGLE OF 037 DEGREES, 02 MINUTES 49 SECONDS; THENCE SOUTHWESTERLY DEFLECTING 001 DEGREES, 53 MINUTES, 05 SECONDS RIGHT, A DISTANCE OF 108.51 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING CONTAINING 4.80 ACRES, MORE OR LESS.

RFN
3/21/02
RFN 3-21-02

Exhibit "D"

2002-2118 I

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PROJECT 80- 9 (808) PREV. ROW WITHOUT STOCKPILE

A TRACT OF LAND LOCATED IN NORTHEAST OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTHERLY A DISTANCE OF 617.26 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE SOUTHERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 586.01 FEET ALONG SAID LINE; THENCE SOUTHWESTERLY DEFLECTING 034 DEGREES, 35 MINUTES, 18 SECONDS RIGHT, A DISTANCE OF 58.13 FEET TO A POINT ON THE WESTERLY 156TH STREET RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 145 DEGREES, 24 MINUTES, 42 SECONDS RIGHT, A DISTANCE OF 95.70 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 009 DEGREES, 02 MINUTES, 32 SECONDS LEFT, A DISTANCE OF 401.50 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHWESTERLY DEFLECTING 049 DEGREES, 09 MINUTES, 24 SECONDS LEFT, A DISTANCE OF 123.55 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTHERLY INTERSTATE 80 RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 127 DEGREES, 21 MINUTES, 40 SECONDS RIGHT, A DISTANCE OF 215.18 FEET TO THE POINT OF BEGINNING CONTAINING 1.04 ACRES, MORE OR LESS.

QAD
3/21/02
RPN 3-21-02

Exhibit "D"