

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

**RESOLUTION APPROVING PURCHASE AGREEMENT WITH MILTON FRICKE, JR.
FOR THE SALE OF VACATED TRACTS OF LAND LOCATED ALONG 48TH STREET, ¼ MILE
SOUTH OF CORNHUSKER, SARPY COUNTY, NEBRASKA**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, on May 19, 2009, the County Board vacated the following tracts of land all located in Sarpy County, Nebraska:

A tract of land in Tax Lot 14A in the Southeast ¼ of Section 30, T14N, R13E, of the 6th P.M., as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Commencing at the East ¼ corner of said Section 30; thence S86°48'55"W (an assumed bearing) along the North line of said Southeast ¼ for 33.00 feet to the West ROW of 48th Street being the point-of-beginning; thence S04°22'59"E along said West ROW for 119.40 feet to the North ROW of 48th Street; thence N82°02'31"W along said ROW for 4.60 feet to the East ROW of relocated 48th Street; thence Northwesterly along said ROW on a 912.74 foot radius curve to the left (chord bearing of N39°50'15"W, chord distance of 147.68 feet) for 147.85 feet to the North line of said Southeast ¼; thence N86°48'55"E along said North line for 90.18 feet to the point-of-beginning and containing 5,316.1 square feet ± or 0.12 acres ±;

A tract of land in the Southeast ¼ of Section 30, T14N, R13E, of the 6th P.M., as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the East ¼ corner of said Section 30; thence S04°22'59"E (an assumed bearing) along the East line of said Southeast ¼ for 126.02 feet to the North ROW of 48th Street; thence N67°57'56"W along said ROW for 0.36 feet; thence N82°02'31"W along said ROW for 33.44 feet to the West ROW of 48th Street; thence N04°22'59"W for 119.40 feet to the North line of said Southeast ¼; thence N86°48'55"E along said line for 33.00 feet to the point-of-beginning and containing 4,047.0 square feet ± or 0.09 acres ±; and,

A tract of land in the Southwest ¼ of Section 29, T14N, R13E, of the 6th P.M., as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the West ¼ corner of said Section 29; thence S04°22'59"E (an assumed bearing) along the West line of said Southwest ¼ for 126.02 feet to the North ROW of 48th Street; thence S67°57'56"E along said ROW for 36.84 feet to the East ROW of 48th Street; thence N04°22'59"W along said East ROW for 141.67 feet to the North line of said Southeast ¼; thence S83°53'41"W along said line for 33.00 feet to the point-of-beginning and containing 4,416.3 square feet ± or 0.10 acres ±.

WHEREAS, pursuant to that same statute, the County Surveyor has been directed to study the use being made of said road and report said study to this Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1724 (Reissue 2004), this Board has received said report from the Sarpy County Surveyor within thirty (30) days of the directive, and said report contains the study made and the County Surveyor's recommendation as to the vacation thereof as required by Neb. Rev. Stat. §39-1722 (Reissue 2004), and recommends said vacation; and,

WHEREAS, on the 13th day of January, 2009, a Public Hearing on the vacation was held as required by Neb. Rev. Stat. §39-1724 (Reissue 2004), after the publication and the service of notice on adjacent landowners, all as required by Neb. Rev. Stat. §39-1724 (Reissue 2004); and,

WHEREAS, the land which has been vacated falls within the zoning jurisdiction of the City of Bellevue, Nebraska and the City of Papillion, Nebraska; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1725 (Reissue 2004), both the City of Bellevue and the City of Papillion approved the vacation and submitted such approval in writing to Sarpy County.

WHEREAS, the County of Sarpy has negotiated a purchase agreement for the above described property and desires to sell it to Milton Fricke, Jr. as outlined in the purchase agreement attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board hereby approves and adopts the purchase agreement for the sale of the title to Milton Fricke, Jr. to the above described vacated tracts of land, a copy of which is attached.

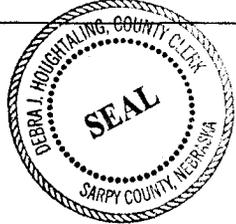
BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk, is hereby authorized to sign on behalf of this Board the purchase agreement with Milton Fricke, Jr., a copy of which is attached, and any other related documents, the same being approved by the Board.

DATED this 16th day of June, 2009.

Moved by Rich Jensen, seconded by Tom Richards, that the above Resolution be adopted. Carried.

YEAS:	NAYS:	ABSENT:
<u>[Signature]</u>	<u>none</u>	<u>none</u>
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	ABSTAIN:
<u>[Signature]</u>	_____	<u>none</u>
<u>[Signature]</u>	_____	_____

[Signature]
County Clerk



Approved as to form:
[Signature]
Deputy County Attorney

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2009-20816
2009 JUL -1 P 2:59 R
Steven J. Dowding
REGISTER OF DEEDS

COUNTER ah C.E. ah
VERIFY P R.E. D
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CHECK # _____
CHG. _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NMH _____



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FOR RECORDING
INFORMATION.**

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NEXT PAGE.**

LLOYD J. DOWDING

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

*Rec'd 10. attorney's
Office
Return to: Chris Vance*

Purchase Agreement

This agreement, effective as of the date provided below, is made by and between the County of Sarpy, Nebraska, a body corporate and politic (hereinafter referred to as "Seller") and Milton Fricke, Jr., (hereinafter referred to as "Buyer").

In consideration of the payment of the sum of Seven Thousand Seven Hundred Four Dollars (\$ 7,704.00), Seller agrees to sell and convey by quitclaim deed the following described real properties to Buyer, together with all improvements, fixtures and articles of personal property attached or appurtenant to the real properties, and Buyer agrees to purchase same, upon the terms and subject to the conditions set forth below:

The subject real properties (hereinafter referred to as the "Properties") are described as:

A tract of land in Tax Lot 14A in the Southeast $\frac{1}{4}$ of Section 30, T14N, R13E, of the 6th P.M., as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Commencing at the East $\frac{1}{4}$ corner of said Section 30; thence S86°48'55"W (an assumed bearing) along the North line of said Southeast $\frac{1}{4}$ for 33.00 feet to the West ROW of 48th Street being the point-of-beginning; thence S04°22'59"E along said West ROW for 119.40 feet to the North ROW of 48th Street; thence N82°02'31"W along said ROW for 4.60 feet to the East ROW of relocated 48th Street; thence Northwesterly along said ROW on a 912.74 foot radius curve to the left (chord bearing of N39°50'15"W, chord distance of 147.68 feet) for 147.85 feet to the North line of said Southeast $\frac{1}{4}$; thence N86°48'55"E along said North line for 90.18 feet to the point-of-beginning and containing 5,316.1 square feet \pm or 0.12 acres \pm ;

A tract of land in the Southeast $\frac{1}{4}$ of Section 30, T14N, R13E, of the 6th P.M., as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the East $\frac{1}{4}$ corner of said Section 30; thence S04°22'59"E (an assumed bearing) along the East line of said Southeast $\frac{1}{4}$ for 126.02 feet to the North ROW of 48th Street; thence N67°57'56"W along said ROW for 0.36 feet; thence N82°02'31"W along said ROW for 33.44 feet to the West ROW of 48th Street; thence N04°22'59"W for 119.40 feet to the North line of said Southeast $\frac{1}{4}$; thence N86°48'55"E along said line for 33.00 feet to the point-of-beginning and containing 4,047.0 square feet \pm or 0.09 acres \pm ; and,

A tract of land in the Southwest $\frac{1}{4}$ of Section 29, T14N, R13E, of the 6th P.M., as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the West $\frac{1}{4}$ corner of said Section 29; thence S04°22'59"E (an assumed bearing) along the West line of said Southwest $\frac{1}{4}$ for 126.02 feet to the North ROW of 48th Street;

thence S67°57'56"E along said ROW for 36.84 feet to the East ROW of 48th Street; thence N04°22'59"W along said East ROW for 141.67 feet to the North line of said Southeast ¼; thence S83°53'41"W along said line for 33.00 feet to the point-of-beginning and containing 4,416.3 square feet ± or 0.10 acres ±.

- 1 Total Purchase Price and Method of Payment. The total purchase price for the Properties shall be Seven Thousand Seven Hundred Four Dollars (\$ 7,704.00), payable in cash at closing.
- 2 Deed. Seller shall convey the Properties by quitclaim deed.
- 3 Closing and Possession. Closing shall occur not more that 90 days after the execution of this agreement by both Seller and Buyer.
- 4 Subject to Easements. The Properties are conveyed to the buyer subject to any easements and utility improvements public or private, recorded or not.
- 5 Miscellaneous. This agreement contains the entire understanding of the agreement between the parties.

Buyer: *Friche Inc.* 6-23-09
by Charles Friche Signature Date

Seller: *[Signature]* 6/16/09
 Signature Date

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2009-20817

2009 JUL -1 P 2:59

Lloyd J. Dowding
REGISTER OF DEEDS

COUNTER ah C.E. ah
VERIFY P D.E. D
PROOF LM
FEES \$ 16.00
CHECK # _____
CHG. MOA CASH _____
REFUND _____ CREDIT _____
SHORT _____ NMR _____



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FOR RECORDING
INFORMATION.**

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LLOYD J. DOWDING

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

*Rec'd to attorney's
office
Return to: Chris Vance*

MEMORANDUM

TO: Chris Vance
FROM: John Reisz
DATE: June 25, 2009
RE: Fricke Quit Claim Deed

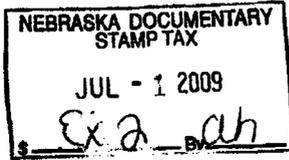
Our office received a call from Mr. Milton Fricke, Jr regarding the recent purchase of vacated roadway. He indicated that the Grantee named in the Quit Claim Deed was incorrect. He requested that the Grantee be "Fricke, Inc." instead of Milton Fricke, Jr. I prepared a Quit Claim Deed to reflect the wishes of Mr. Fricke and have delivered it to your office for signature by Joni Jones.

After review in our office we believe it is not necessary to change the Purchase Agreement to reflect this change in Grantee.

END.

FILED, SARPY CO. NE.
INSTRUMENT NUMBER
2009 - 20818
2009 JUL -1 P 2:59

COUNTER ah C.E. ah
VERIFY P R.E. B
PROOF PM
FEES \$ 11.00
CHECK # _____
CHG NOA CASH _____
REFUND _____ CREDIT _____
SHORT _____ N/A _____



Glenn J. Lawless
REGISTER OF DEEDS

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That on this 16th day of June, 2009, THE COUNTY OF SARPY, OF THE STATE OF NEBRASKA, a body politic and corporate created under the laws of the State of Nebraska, GRANTOR herein, for good and valuable consideration, does hereby remise, release and quitclaim to Fricke, Inc., GRANTEE herein, all of GRANTOR'S right, title, interest and estate, in and to all of the following described real property, to wit:

A tract of land in Tax Lot 14A in the Southeast ¼ of Section 30, T14N, R13E, of the 6th PM, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Commencing at the East ¼ corner of said Section 30; thence S86°48'55"W (an assumed bearing) along the North line of said Southeast ¼ for 33.00 feet to the West ROW of 48th Street being the point-of-beginning; thence S04°22'59"E along said West ROW for 119.40 feet to the North ROW of 48th Street; thence N82°02'31"W along said ROW for 4.60 feet to the East ROW of relocated 48th Street; thence Northwesterly along said ROW on a 912.74 foot radius curve to the left (chord bearing of N39°50'15"W, chord distance of 147.68 feet) for 147.85 feet to the North line of said Southeast ¼; thence N86°48'55"E along said North line for 90.18 feet to the point-of-beginning and containing 5,316.1 sqft ± or 0.12 acres ±;

A tract of land in the Southeast ¼ of Section 30, T14N, R13E, of the 6th PM, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the East ¼ corner of said Section 30; thence S04°22'59"E (an assumed bearing) along the East line of said Southwest ¼ for 126.02 feet to the North ROW of 48th Street; thence N67°57'56"W along said ROW for 0.36 feet; thence N82°02'31"W along said ROW for 33.44 feet to the West ROW of 48th Street; thence N04°22'59"W for 119.40 feet to the North line of said Southeast ¼; thence N86°48'55"E along said line for 33.00 feet to the point-of-beginning and containing 4,047.0 sqft ± or 0.09 acres ±;

A tract of land in the Southwest ¼ of Section 29, T14N, R13E, of the 6th PM, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the West ¼ corner of said Section 29; thence S04°22'59"E (an assumed bearing) along the West line of said Southwest ¼ for 129.02 feet to the North ROW of 48th Street; thence S67°57'56"E along said ROW for 36.84 feet to the East ROW of 48th Street; thence N04°22'59"W along said East ROW for 141.67 feet to the North line of said Southeast ¼; thence S83°53'41"W along said line for 33.00 feet to the point-of-beginning and containing 4,416.3 sqft ± or 0.10 acres ±.

To have and to hold the described property together with all tenements, hereditaments, and appurtenances belonging to such property, to Grantee and to Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, I, Joni Jones, Chairman of the Sarpy County Board of Commissioners, have hereunto set my hand and seal this 16th day of June, 2009.

COUNTY OF SARPY, OF THE STATE OF NEBRASKA

Joni Jones
Chair, Board of Commissioners



ATTEST:
Debra Vought
County Clerk

RUR
Fricke Inc.
820 S 48th
Omaha, NE
68157

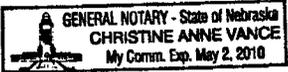
STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this the 16th day of June, 2009, before me, a Notary Public within and for said county, personally appeared Joni Jones, Chair of the Sarpy County Board of Commissioners, on behalf of Sarpy County, Nebraska a body politic and corporate, and Grantor herein. Thereupon she executed the foregoing instrument of conveyance, and acknowledged the same to be her own free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, at the City of Papillion, County of Sarpy, State of Nebraska.

Christine Anne Vance
Notary Public

(Seal)





FRICKE, INC.
 (402) 733-4170
 8620 S. 48TH ST.
 OMAHA, NE 68157-2514

PINNACLE BANK
 76-1391-1049

12804

6/22/2009

PAY TO THE ORDER OF Sarpy County

\$ ****7,704.00**

Seven Thousand Seven Hundred Four and 00/100***** DOLLARS

Sarpy county

MEMO

0.321 acres

Milton Fricke

⑈012804⑈ ⑆104913912⑆ 00087610⑈

Security Features Included Details on back