

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
THE STATE OF NEBRASKA AND THE CITY OF GRAND ISLAND
REGARDING TRANSFER OF
CENTRAL NEBRASKA VETERANS HOME LANDS AND BUILDINGS**

THIS MEMORANDUM OF AGREEMENT by and between THE STATE OF NEBRASKA, by and through its Department of Administrative Services, herein referred to as "STATE," and THE CITY OF GRAND ISLAND, NEBRASKA, a municipal corporation and a political subdivision of the State of Nebraska, herein referred to as "CITY".

WHEREAS, STATE owns and operates the Central Nebraska Veterans Home currently located in Grand Island, Nebraska, herein referred to as "GIVH"; and

WHEREAS, STATE is in the process of designing and contracting for the construction of a new Central Nebraska Veterans Home in Kearney, Nebraska, herein referred to as "KVH"; and

WHEREAS, upon completion of the KVH, the residents of GIVH will be relocated to KVH and GIVH will be vacated; and

WHEREAS, the real estate comprising the entirety of the original GIVH, being all of Section Five (5), in Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska, was conveyed to STATE in 1887 in two parcels, each for the sum of "one-dollar and the location at Grand Island of the Soldiers' and Sailors' Home"; and

WHEREAS, of the original 640 acres conveyed to STATE approximately 30 acres are actually used to house veterans and their spouses; and

WHEREAS, the real estate as described in "Exhibit A," attached hereto and herein referred to as the "GIVH Phase I Real Estate," is comprised of agricultural lands and lands leased to CITY for recreational uses; and

WHEREAS, the GIVH Phase I Real Estate is excess land as defined by Neb.Rev.Stat. Sec. 72-811(2); and

WHEREAS, STATE desires to dispose of GIVH Phase I Real Estate to CITY and CITY desires to acquire GIVH Phase I Real Estate from STATE; and

WHEREAS, upon completion of KVH and the vacating of GIVH, STATE intends to convey to CITY the remaining GIVH real estate consisting of the Veterans Home Campus, Veterans Cemetery, and parking area leased to the United Veterans Club, contingent upon the

parties' mutual consent to the terms and conditions of such transfer including, but not limited to, CITY's covenant to provide continuing maintenance of the Veterans Cemetery and to protect the same from commercial and residential encroachment through greenspace buffer or the addition of public cemetery areas.

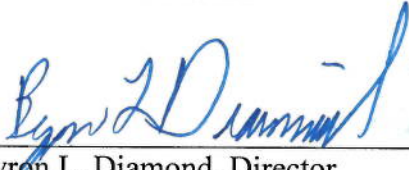
NOW, THEREFORE, STATE and CITY agree as follows:

1. The recitals above are incorporated into and made a part of this Memorandum of Agreement.
2. STATE shall take such action as necessary to convey to CITY by Quitclaim Deed the GIVH Phase I Real Estate.
3. Following transfer of Central Nebraska Veterans Home residents and operational and administrative staff to KVH, and contingent upon the STATE's Vacant Building and Excess Land Committee making findings and determinations that the remaining GIVH property is vacant and excess and the making of appropriate recommendations as required by statute, STATE shall offer to convey to CITY the remaining real estate and improvements comprising GIVH located in a part of the South Half (S½) of Section Five (5), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, and consisting of: Veterans Home Campus; Veterans Cemetery; paved parking area currently leased to the United Veterans Club; and any other land that has not been otherwise sold or permanently disposed of as part of GIVH, herein referred to as the "GIVH Phase II Real Estate."
4. Upon acceptance by the CITY of the GIVH Phase II Real Estate upon such reasonable terms and conditions as mutually agreed to by the parties, CITY shall:
 - a. Accommodate the needs of the United Veterans Club to continue its leasehold interest in and to the 10.667 acres consisting of the parking lot for the United Veterans Club;
 - b. Provide continuing maintenance of the Veterans Cemetery and protect the same from commercial and residential encroachment through greenspace buffer or the addition of public cemetery areas; and
 - c. Assume the duties and obligations of the State Building Division of the Nebraska Department of Administrative Services and the STATE under the Programmatic Agreement among the US Department of Veterans Affairs, the Nebraska

Department of Administrative Services, the Nebraska Department of Health and Human Services, the Nebraska State Historic Preservation Office and the Advisory Council on Historic Preservation Regarding the Relocation of the Central Nebraska Veterans Home at 2300 West Capital Avenue, Grand Island, Nebraska.

5. With respect to any Real Estate transferred by STATE and accepted by CITY, CITY shall defend and hold harmless STATE and the transferred lands from any and all claims, suits, or other alternative dispute resolution proceedings, of and by any other parties that may allege a superior ownership or possessory right to the land, or any portion thereof, including any suits for damages, claims, or equitable remedies.

STATE OF NEBRASKA

By  Date: April 20, 2016.
Byron L. Diamond, Director
Department of Administrative Services

CITY OF GRAND ISLAND

By  Date: March 23, 2016.
Jeremy Jensen, Mayor

Attest:


RaNae Edward, City Clerk

EXHIBIT A

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 IN SECTION 6 AND THE SOUTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH P.M., HALL COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE N00°12'38"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITAL AVENUE; THENCE S89°42'04"E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 357.49 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 201306652; THENCE N00°17'56"E ON THE WEST LINE OF SAID PARCEL, A DISTANCE OF 44.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE POINT OF BEGINNING; THENCE N00°17'56"E, A DISTANCE OF 397.98 FEET; THENCE N89°42'04"W, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 271.42 FEET; THENCE N00°12'38"W, A DISTANCE OF 44.00 FEET; THENCE N86°45'43"W, A DISTANCE OF 279.21 FEET TO THE EAST RIGHT OF WAY LINE OF WEBB ROAD; THENCE N00°27'35"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1759.63 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF OLD NEBRASKA HIGHWAY 2, AS DESCRIBED AND RECORDED IN MISC. RECORD U, PAGE 486; THENCE S73°54'50"E ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2753.58 FEET; THENCE S00°09'33"E, PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1466.65 FEET TO THE NORTH RIGHT OF WAY LINE OF CAPITAL AVENUE AS DESCRIBED AND RECORDED IN SAID INSTRUMENT NO. 201306652; THENCE N89°42'04"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 2087.48 FEET TO THE POINT OF BEGINNING, CONTAINING 106.12 ACRES, MORE OR LESS.

TOGETHER WITH

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 IN SECTION 6 AND A PART OF SECTION 5, ALL IN TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH P.M., HALL COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5; THENCE N00°10'40"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2301.63 FEET TO THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 281, AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 83-004149; THENCE N85°41'48"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1395.99 FEET; THENCE N87°17'06"E, CONTINUING ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 600.49 FEET; THENCE S88°55'38"E, CONTINUING ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 636.96 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S88°10'20"E, CONTINUING ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 509.71 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-108524; THENCE S00°02'26"W ON THE WEST LINE OF TWO PARCELS OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-108524; THENCE S00°02'26"W ON THE WEST LINE OF TWO PARCELS OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-108524 AND 97-104174, A DISTANCE OF 1147.05 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 97-104174; THENCE S88°58'32"E ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 69.15 FEET TO

THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED AND RECORDED IN INSTRUMENT NO. 201001127; THENCE S00°11'25"W ON THE WEST LINE OF SAID PARCEL, A DISTANCE OF 59.94 FEET; THENCE N89°01'12"W, CONTINUING ON SAID WEST LINE, A DISTANCE OF 68.99 FEET; THENCE S00°02'26"W, CONTINUING ON SAID WEST LINE, A DISTANCE OF 1630.88 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE S89°25'27"E ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 1748.67 FEET; THENCE N28°33'31"E, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 250.49 FEET; THENCE S88°45'38"E, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 254.60 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND THE WEST RIGHT OF WAY LINE OF BROADWELL AVENUE; THENCE S00°15'58"W ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1444.91 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY, AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 201300944; THENCE N73°53'50"W ON SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5664.36 FEET TO THE EAST RIGHT OF WAY LINE OF WEBB ROAD; THENCE N00°24'09"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 108.45 FEET TO THE NORTH LINE OF GOVERNMENT LOT 2 IN SECTION 6; THENCE S89°55'46"E ON SAID NORTH LINE, A DISTANCE OF 197.73 FEET TO THE POINT OF BEGINNING, CONTAINING 264.02 ACRES, MORE OR LESS.

TOGETHER WITH

A TRACT OF LAND LOCATED IN PART OF THE EAST HALF (E1/2) OF SECTION FIVE (5), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER (E1/4) CORNER OF SECTION 5-T11N-R9W; THENCE ON AN ASSUMED BEARING OF N88°50'06"W UPON THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 5 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY (ROW) LINE OF BROADWELL AVENUE; THENCE S00°51'43"W UPON AND ALONG SAID WESTERLY ROW LINE A DISTANCE OF 179.46 FEET; THENCE N88°10'08"W A DISTANCE OF 254.75 FEET; THENCE S29°09'23"W A DISTANCE OF 250.49 FEET; THENCE N88°50'06"W PARALLEL WITH SAID SOUTH LINE OF NE1/4 A DISTANCE OF 1748.67 FEET; THENCE N00°37'43"E A DISTANCE OF 397.71 FEET TO SAID SOUTH LINE OF THE NE1/4; THENCE N00°37'43"E A DISTANCE OF 1233.17 FEET; THENCE S88°25'59"E A DISTANCE OF 69.05 FEET; THENCE N00°43'20"E A DISTANCE OF 59.94 FEET; THENCE S88°21'19"E A DISTANCE OF 259.64 FEET; THENCE S88°20'18"E A DISTANCE OF 498.58 FEET; THENCE S88°24'58"E A DISTANCE OF 1150.41 FEET TO A POINT BEING ON SAID WESTERLY ROW LINE OF BROADWELL AVENUE, SAID POINT ALSO BEING THE WESTERLY LINE OF NEBRASKA STATE ROW DESCRIBED IN STATE OF NEBRASKA DEPARTMENT OF ROADS DOCUMENT NO. 93-104239, RECORDED MAY 26, 1993, REGISTER OF DEEDS, HALL COUNTY, NEBRASKA; THENCE S11°16'37"E UPON AND ALONG SAID WESTERLY ROW LINES OF BROADWELL AVENUE AND STATE DEED A DISTANCE OF 212.80 FEET; THENCE S00°38'41"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 489.24 FEET; THENCE S20°27'26"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 243.20 FEET; THENCE S00°00'05"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 354.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL IMPROVEMENTS THERON AND ALL RIGHTS AND APPURTENANCES APPERTAINING THERETO, AND ALL OF SELLER'S RIGHTS AND INTEREST, IF ANY, IN AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, AND ALLEYS, HIGHWAYS, OR STREETS IN, ON, ACROSS, OR ADJOINING THE LAND.

SAID CONVEYANCE COLLECTIVELY CONTAINS 448.52 ACRES, MORE OR LESS, AND HAVING A LOCATION LOCALLY DESCRIBED AS THE GRAND ISLAND VETERANS HOME RECREATION AREA AND FARMLAND.