

AGREEMENT FOR TEMPORARY CONSTRUCTION OCCUPANCY

Agreement made and entered into by and between the CITY OF GRAND ISLAND, a municipal corporation of the State of Nebraska, herein referred to as "City", and WILSON CONCRETE COMPANY, an Iowa Corporation, herein referred to as "Owner", whether one or more.

Recitals

WHEREAS, the City intends to construct Street Improvement District No. 1260; South Webb Road extending North from Stolley Park Road to Union Pacific Railroad Tracks, on or adjacent to property owned by Owner; and

WHEREAS, it may be necessary for the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives to temporarily enter upon, travel over, excavate, clear, backfill, store materials upon, and otherwise use the lands herein described which are owned by Owner during the aforementioned construction project.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained within this agreement, the parties agree as follows:

Section One Right of Entry

Owner hereby grants to the City, its officers, agents, employees, contractors, subcontractors, and authorized representatives the right to enter upon the following described real estate located in part of Lot 1, Wilsson Concrete Subdivision, City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

Temporary Easement No. 1

Commencing at the southeast corner of Lot 1, Wilson Concrete Subdivision, thence on an assumed bearing N88°16'44"W, along the south line of said Lot 1, a distance of 320.30 feet to the point of beginning; thence continuing N88°16'44"W, along the south line of said Lot 1, a distance of 40.00 feet; thence N01°43'16"E a distance of 57.52 feet; thence N35°55'20"W a distance of 395.05 feet; thence S89°12'08"W a distance of 298.72 feet to the southeast corner of Bachman Street; thence N00°35'51"W a distance of 40.00 feet to the northeast corner of Bachman Street; thence N89°12'08"E a distance of 307.48 feet; thence N00°47'52"W a distance of 327.00 feet; thence N45°38'11"W a distance of 35.49 feet to the southwest corner of an existing easement recorded in Instrument Number 200106226, Hall County, Nebraska; thence N00°47'45"W, along the west line of said existing easement, a distance of 40.00 feet, to the northwest corner of said existing easement; thence N89°24'15"E, along the north line of an existing easement, a distance of 65.01 feet; thence S00°47'52"E a distance of 431.95 feet; thence S35°55'20"E a distance of 380.55 feet; thence S01°43'16"W a distance of 71.16 feet to the point of beginning. Said temporary access easement contains a calculated area of 48,982.68 square feet or 1.12 acres more or less.

AND

Temporary Easement No. 2

Commencing at the northwest corner of Lot 1, Wilson Concrete Subdivision, thence on an assumed bearing N59°58'20"E, along the north line of said Lot 1, a distance of 28.63 feet to the point of beginning; thence continuing N59°58'20"E, along the north line of said Lot 1, a distance of 45.84 feet; thence S00°47'52"E a distance of 755.13 feet to the north line of an existing easement recorded in Instrument Number 200106226, Hall County, Nebraska; thence S89°24'15"W, along said north line of an existing easement, a distance of 65.01 feet to the northwest corner of said existing easement; thence N44°24'15"E a distance of 35.25 feet; thence N00°47'52"W a distance of 707.68

feet to the point of beginning. Said temporary access easement contains a calculated area of 30,066.20 square feet or 0.69 acres more or less.

AND

Temporary Easement No. 3

Commencing at the southeast corner of Lot 2, Vlach Subdivision, said point also being the point of beginning; thence on an assumed bearing of N01°00'44"W, along the east line of said Lot 2, a distance of 72.23 feet to the southwest corner of a tract of land conveyed as Instrument Number 0200900683, Hall County, Nebraska; thence N85°36'12"E, along the south line of said tract of land, a distance of 30.05 feet; thence S0°59'06"E a distance of 320.79 feet; thence S89°01'22"W a distance of 63.00 feet to the west line of an existing easement recorded in Book R Page 100, Misc. Records, Hall County, Nebraska; thence N0°58'38"W a distance of 30.00 feet, to the south line of an existing easement recorded by Instrument Number 200106226, Hall County, Nebraska; thence N89°01'22"E, on said south line of an existing easement, a distance of 33.00 feet; thence N0°58'38"W a distance of 216.77 feet to the point of beginning. Said temporary access easement contains a calculated area of 10,581.59 square feet or 0.24 acres more or less.

to do such work as may be necessary or appropriate for the construction of Street Improvement District No. 1260; South Webb Road extending North from Stolley Park Road to Union Pacific Railroad Tracks and related facilities adjacent to such property. Such right of entry shall include, but not be limited to the right to enter upon, travel over, excavate, clear fences, drives, irrigation lines and other improvements, backfill, store materials upon, and otherwise use the above described premises.

Section Two
Term of Agreement

The premises may be occupied and used by the City for the purposes related hereto during the period beginning the date construction work starts on Street Improvement District No. 1260; South Webb Road extending North from Stolley Park Road to Union Pacific Railroad Tracks and continuing until the construction work is completed.

Access will remain for all businesses in the area during the construction of such improvements.

Section Three
Valuation of Improvement

The parties hereby agree that the improvements located on the above described premises are limited to the following items having values as shown:

<u>Item</u>	<u>Value</u>
<u>Use of Temporary Construction Area</u>	<u>\$7,790.00</u>
Total Compensation	\$7,790.00

*Property will be restored to the original condition upon completion of work. Compensation for any concrete within all easement areas will be paid directly to property owner in the bid amount of performing such work should the property owner choose not to replace the existing pavement. There are no other severance damages.

Section Five
Compensation

The City hereby agrees to pay to Owner the full value as shown for any item destroyed by the City during the term of this agreement. In the event an item is damaged but not destroyed and the parties are unable to agree as to the amount of such damage, the City shall have the option to either pay Owner the full value of the item or items in dispute as shown or submit the issue of damages on the disputed item or items to a board of appraisers appointed under an action in condemnation. In the event the City shall elect to have the damages determined under an action in condemnation, then the City hereby agrees to pay to Owner the amount as finally determined in such action and appeals. The Owner hereby agrees to accept full payment for damages arising from the use of the aforesaid property by City the amount paid by the City in accordance with this agreement.

Section Six
Remarks

The City shall restore the premises to grade prior to the termination of this agreement.

Section Seven
Assignment

It is understood that the rights of the owner do not automatically transfer upon sale or lease of the property. The City agrees to permit assignment of the rights and obligations of Owner to a subsequent buyer or tenant, provided Owner obtains the City's prior written consent which City shall not unreasonably withhold.


DATED: April 7th, 2014

DATED: April 15, 2014

WILSON CONCRETE CO,
An Iowa Corporation

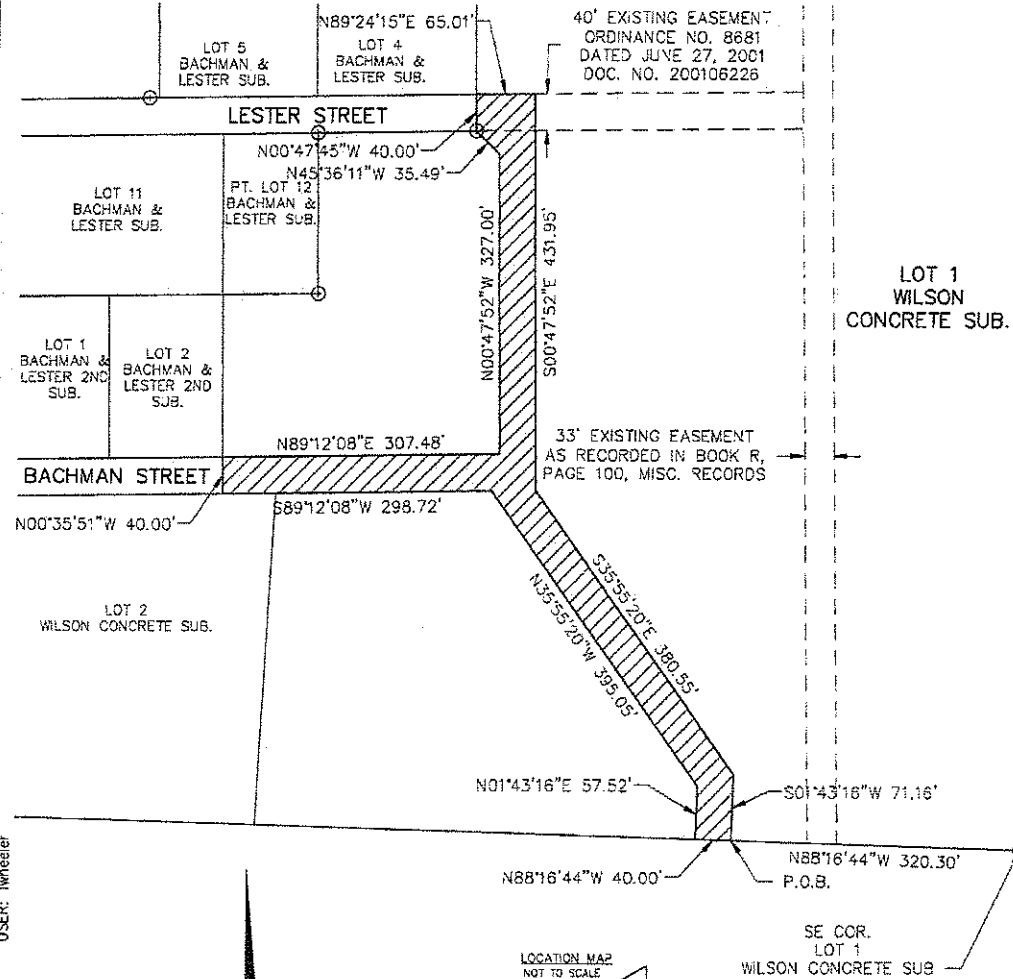
CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

BY 
JOHN FINCH, VICE PRESIDENT

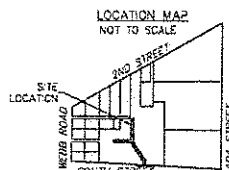
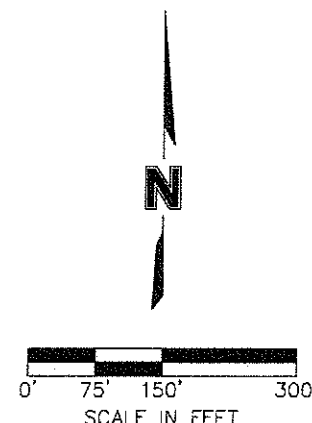
BY 
JAY VAVRICEK, MAYOR

TEMPORARY ACCESS EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA



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 DATE: Dec 02, 2013 10:51am
 USER: In Wheeler
 XREFS: 0130908_XTOPO



- LEGEND**
- ⊗ FOUND 1/2" IRON PIPE
 - PROPERTY LINE
 - - - EXISTING EASEMENT LINE
 - ROAD RIGHT OF WAY LINE
 - ▨ TEMPORARY ACCESS EASEMENT AREA

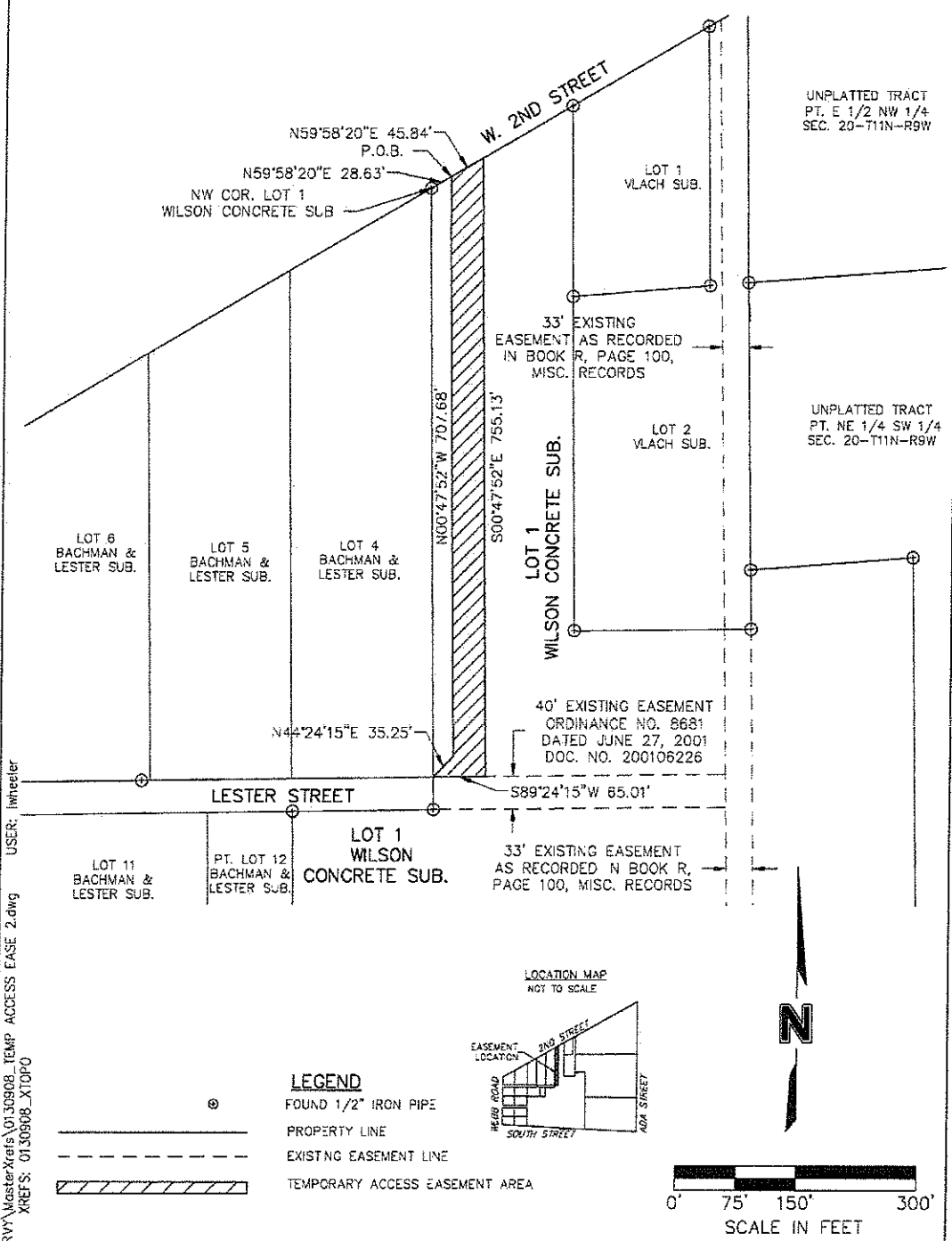
TEMPORARY ACCESS EASEMENT DESCRIPTION

A TEMPORARY ACCESS EASEMENT LOCATED IN PART OF LOT 1, WILSON CONCRETE SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, WILSON CONCRETE SUBDIVISION, THENCE ON AN ASSUMED BEARING N88°16'44"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 320.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°16'44"W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 40.00 FEET; THENCE N01°43'16"E A DISTANCE OF 57.52 FEET; THENCE N33°55'20"W A DISTANCE OF 385.05 FEET; THENCE S89°2'08"W A DISTANCE OF 298.72 FEET TO THE SOUTHEAST CORNER OF BACHMAN STREET; THENCE N00°35'51"W A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF BACHMAN STREET; THENCE N89°12'08"E A DISTANCE OF 307.48 FEET; THENCE N00°47'52"W A DISTANCE OF 327.00 FEET; THENCE N45°36'11"W A DISTANCE OF 35.49 FEET TO THE SOUTHWEST CORNER OF AN EXISTING EASEMENT RECORDED IN INSTRUMENT NUMBER 200106226, HALL COUNTY, NEBRASKA; THENCE N00°47'45"W, ALONG THE WEST LINE OF SAID EXISTING EASEMENT, A DISTANCE OF 40.00 FEET, TO THE NORTHWEST CORNER OF SAID EXISTING EASEMENT; THENCE N89°24'15"E, ALONG THE NORTH LINE OF AN EXISTING EASEMENT, A DISTANCE OF 65.01 FEET; THENCE S00°47'52"E A DISTANCE OF 431.95 FEET; THENCE S33°55'20"E A DISTANCE OF 380.55 FEET; THENCE S01°43'16"W A DISTANCE OF 71.16 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY ACCESS EASEMENT CONTAINS A CALCULATED AREA OF 48,982.68 SQUARE FEET OR 1.12 ACRES MORE OR LESS.

PROJECT NO: 2013-0908	WEBB ROAD EASEMENTS	MOLSSON ASSOCIATES	201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL: 308.384.8760 FAX: 308.384.8752	EXHIBIT
DRAWN BY: LJW				
DATE: 10/03/2013				1

TEMPORARY ACCESS EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

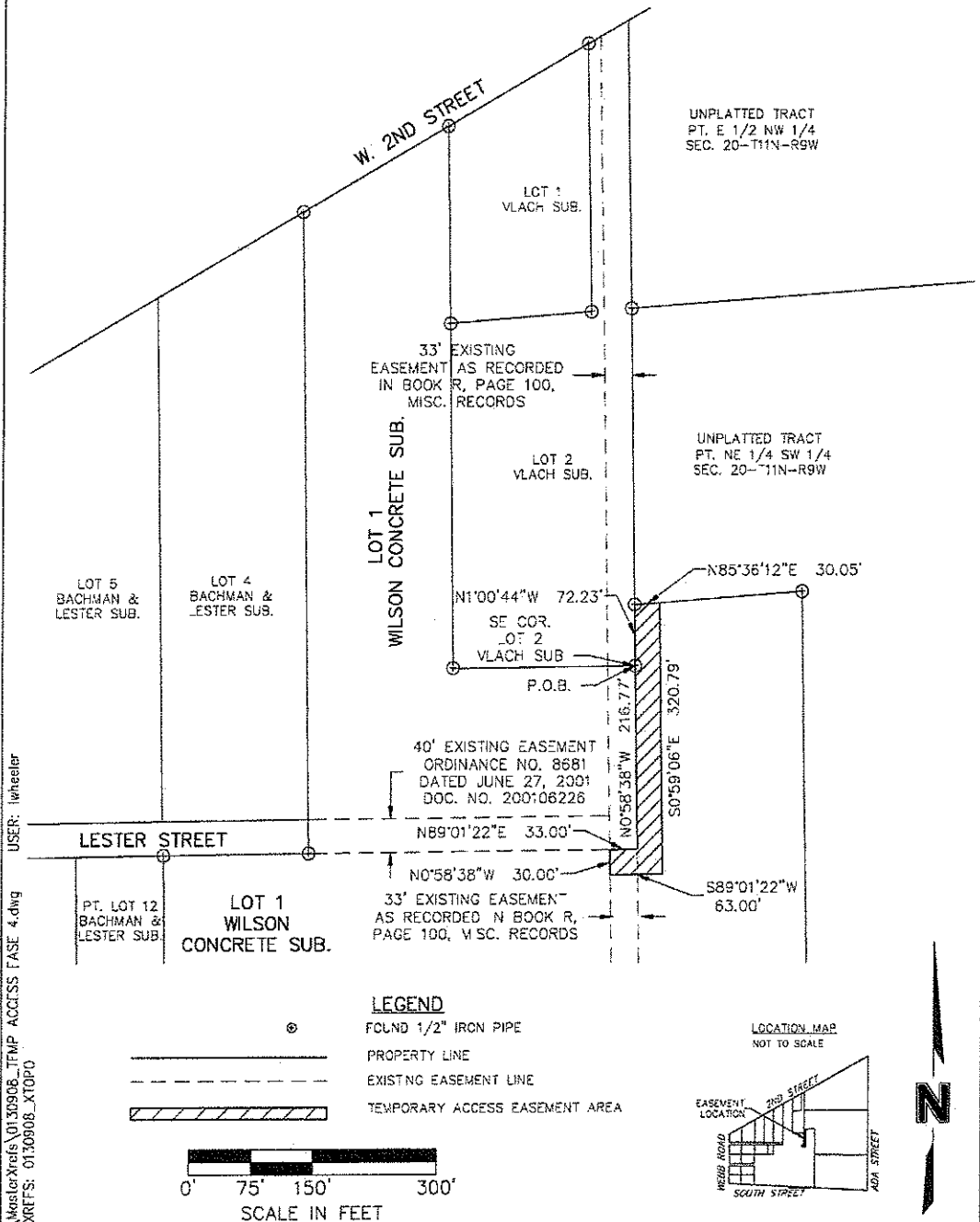


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PROJECT NO: 2013-0908	WEBB ROAD EASEMENT	MOLSSON ASSOCIATES	201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL 308.384.8750 FAX 308.384.8752	EXHIBIT
DRAWN BY: LJW			1	
DATE: 10/03/2013				

TEMPORARY ACCESS EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA



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A TEMPORARY ACCESS EASEMENT LOCATED IN PART OF LOT 1, WILSON CONCRETE SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, VLACH SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N0°00'44"W, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 72.23 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED AS INSTRUMENT NUMBER 0200900683, HALL COUNTY, NEBRASKA; THENCE N85°36'12"E, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 30.05 FEET; THENCE S0°59'06"E A DISTANCE OF 320.79 FEET; THENCE S89°01'22"W A DISTANCE OF 63.00 FEET TO THE WEST LINE OF AN EXISTING EASEMENT RECORDED IN BOOK R PAGE 100, MISC. RECORDS, HALL COUNTY, NEBRASKA; THENCE N0°58'38"W A DISTANCE OF 30.00 FEET, TO THE SOUTH LINE OF AN EXISTING EASEMENT RECORDED BY INSTRUMENT NUMBER 200106226, HALL COUNTY, NEBRASKA; THENCE N89°01'22"E, ON SAID SOUTH LINE OF AN EXISTING EASEMENT, A DISTANCE OF 33.00 FEET; THENCE N0°58'38"W A DISTANCE OF 216.77 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY ACCESS EASEMENT CONTAINS A CALCULATED AREA OF 10,581.59 SQUARE FEET OR 0.24 ACRES MORE OR LESS.

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DRAWN BY: LJW			EXHIBIT 1
DATE: 10/03/2013			