

City of Scottsbluff, Nebraska

Monday, July 17, 2017

Regular Meeting

Item Resolut.1

Council to consider an Ordinance approving the sale of approximately 365.34 acres of city-owned property to Croell, Inc., an Iowa Corporation.

Staff Contact: Nathan Johnson, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SALE OF PART OF THE NE1/4, PART OF THE SE1/4, PART OF THE SW1/4 (NORTH OF THE CANAL) IN SECTION 34, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. The City of Scottsbluff ("City") owns the following described real estate:

Part of the NE1/4, part of the SE1/4, part of the SW1/4 (North of the Canal),
Section 34, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff
County, Nebraska.

Section 2. An offer has been made by Croell, Inc. to purchase the real estate The City is willing to accept this offer.

Section 3. Either, the Mayor, City Clerk or City Manager are authorized to sign an Agreement, Deed and any other documents required to convey the above described real estate to Croell, Inc., on the following terms:

- a. The purchase price shall be \$548,010.00 paid at closing.
- b. Closing of the sale is conditional upon no remonstrance against the sale being filed. Closing shall take place within 30 days after the expiration of the time for filing a remonstrance against the sale.
- c. All real estate taxes and special assessments shall be prorated to date of closing. The closing costs and owner's title insurance shall be equally divided. Buyer shall pay any finance costs.

Section 4. The Clerk shall, immediately after the passage and publication of this Ordinance, publish notice of the sale and its terms for three consecutive weeks in the Star-Herald.

Section 5. This Ordinance shall become effective upon its passage, approval and publication shall be in pamphlet form.

PASSED AND APPROVED ON July ____, 2017.

Mayor

ATTEST:

City Clerk

(Seal)

Approved as to form:

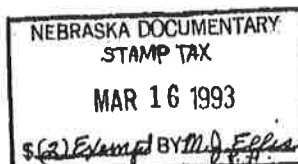
Deputy City Attorney

WARRANTY DEED

1364

GARY J. PHILLIPS and JOAN K. PHILLIPS, Husband and Wife,
 , Grantor, whether one or more,
 in consideration of Ten Dollars and other good and valuable consideration ---
 (\$10.00)-----, receipt of which is hereby acknowledged, conveys to
 THE CITY OF SCOTTSBLUFF, NEBRASKA , Grantee,
 the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in
 Scotts Bluff County, Nebraska:

See Attached Exhibit "A"



Grantor covenants (jointly and severally, if more than one) with the Grantee that Grantor:

- (1) is lawfully seised of such real estate and that it is free from encumbrances subject to easements, reservations, covenants and restrictions of record
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: March 11th, 1993

.....
 Gary J. Phillips

 Joan K. Phillips

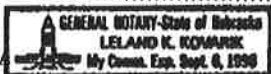
State of NEBRASKA

County of SCOTTS..BLUFF.

The foregoing instrument was acknowledged before me on March 11, 1993
 by GARY J. PHILLIPS and JOAN K. PHILLIPS, Husband and wife.

STATE OF NEBRASKA

County of Scotts Bluff..



Notary Public

Filed for record and entered in Numerical Index on March 16, 1993

at 11:50 o'clock A.M., and recorded in Deed Record 200, Page 329

By: Mary J. Keller
 County or Deputy County Clerk
 Register of Deeds or Deputy Register of Deeds

10.50
 Simmons &
 Associates
 P.O. Box 1949
 Scottsbluff NE

NUM. B
 GEN. 22
 PICT.
 COMPARED

329

1364

EXHIBIT "A" (PHILLIPS)

A tract of real estate located in Section 34, Township 22 North, Range 54 West of the 6th P. M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the Southwest Corner of Section 34, thence Northerly on the West line of said Section 34, a distance of 1232.45 feet to the point of intersection with the centerline of an existing irrigation canal, said point also being the Point of Beginning, thence continuing Northerly on said section line, a distance of 1508.59 feet to the West Quarter corner of said Section 34, thence a deflection angle right of $92^{\circ}-40'-58''$, on the East-West centerline of said Section 34, distance of 2650.07 feet to the Center corner of said Section 34, thence a deflection angle right of $87^{\circ}-19'06''$, on the North-South centerline of said Section 34, a distance of 2324.91 feet to the point of intersection with the centerline of an existing irrigation canal, thence a deflection angle right of $108^{\circ}-39'-33''$, on said centerline, a distance of 961.49 feet, thence a deflection angle right of $01^{\circ}-25'-38''$, on said centerline, a distance of 442.98 feet, thence a deflection angle left of $00^{\circ}-92'-38''$, on said centerline, a distance of 1405.32 feet to the point of beginning, containing an area of 116.98 acres, more or less.

Excepting and reserving to Grantor an undivided $\frac{1}{4}$ royalty interest in all of the oil and gas that may be produced from this real estate in commercially paying quantities for 20 years from this date, and as long thereafter as production continues. Provided, for any portion of the real estate which is subject to an existing reservation, Grantor's reservation shall be limited to $\frac{1}{4}$ of whatever interest is not subject to a prior reservation held by a third party at the time that the royalty is payable. Grantor reserves no right to enter into oil or gas leases or to receive any bonus, delay rental or other initial lessor benefit. However, no lease shall reserve less than a $\frac{1}{8}$ th royalty.

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WARRANTY DEED

1365

LEWIS W. HENKEL and LEONA HENKEL, Husband and Wife,
 , Grantor, whether one or more,

in consideration of Ten Dollars (\$10.00) and other good and valuable con-
 sideration -----, receipt of which is hereby acknowledged, conveys to

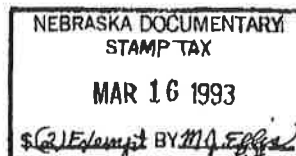
THE CITY OF SCOTTSBLUFF, NEBRASKA, Grantee,

the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in

Scotts Bluff

County, Nebraska:

See attached Exhibit "A"



Grantor covenants (jointly and severally, if more than one) with the Grantee that Grantor:

- (1) is lawfully seised of such real estate and that it is free from encumbrances subject to easements, reservations, covenants and restrictions of record
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: March (0, 19..93

Lewis W. Henkel
 Lewis W. Henkel

Leona Henkel
 Leona Henkel

State of NEBRASKA

County of ... SCOTTS BLUFF.

The foregoing instrument was acknowledged before me on March 10, 1993
 by ... LEWIS W. HENKEL and LEONA HENKEL, Husband and Wife

STATE OF NEBRASKA

County of *Scotts Bluff*



Rick L. Ediger
 Notary Public

Filed for record and entered in Numerical Index on March 16, 1993

at 11:50'clock A.M., and recorded in Deed Record 200, Page 331

By: *Mary Jo Collins*
 County or Deputy County Clerk
 Register of Deeds or Deputy Register of Deeds

10.50
 Simmons &
 Associates
 P.O. Box 1949
 Scottsbluff NE

NUM. *B*
 GEN. *BB*
 PICT. _____
 COMPARED _____

331

1365

EXHIBIT "A" (HENKEL)

A tract of real estate located in Section 34, Township 22 North, Range 54 West of the 6th P. M., Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the North Quarter corner of Section 34, thence Easterly on the North line of said Section 34, a distance of 2704.86 feet to the Northeast corner of said Section 34, thence a deflection angle right of $87^{\circ}-11'34''$, on the East line of said Section 34, a distance of 4364.60 feet, thence a deflection angle right of $91^{\circ}-31'57''$, a distance of 1215.14 feet, thence a deflection angle right of $88^{\circ}-08'-06''$, a distance of 462.52 feet, thence a deflection angle left of $87^{\circ}-34'52''$, a distance of 1448.62 feet to the point of intersection with said North-South centerline of Section 34, thence a deflection angle right of $87^{\circ}-22'-25''$, on said North-South centerline, a distance of 1806.68 feet to the South line of a tract of land previously conveyed to the City of Scottsbluff, Nebraska, thence a deflection angle right of $50^{\circ}-23'-00''$, on said South line of said tract, a distance of 275.92 feet, thence a deflection angle left of $50^{\circ}-23'-00''$, on the East line of said tract, a distance of 1250.00 feet, thence a deflection angle left of $86^{\circ}-48'-00''$, on the North line of said tract, a distance of 212.88 feet, to the point of intersection with the North-South centerline of said Section 34, thence a deflection angle right of $86^{\circ}-48'-00''$, a distance of 704.60 feet to the Point of Beginning, containing an area of 248.36 acres, more or less.

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