

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF)
ACCEPTING A WARRANTY DEED FROM)
KUCK INVESTMENT PARTNERS, LLC,) RESOLUTION NO. R-17-0013
IN CONNECTION WITH EMINENT DOMAIN)
PROCEEDING CI 16-11435)

WHEREAS, pursuant to Resolution No. R-16-0075, Lancaster County (“the County”) instituted eminent domain proceedings against Kuck Investment Partners, LLC, captioned as Lancaster County, Condemnor, v. Kuck Investment Partners, LP, Condemnee, County Court Case No. CI 16-11435 (“the Action”), regarding certain property located in Lancaster County, Nebraska (“the Property”), legally described as:

A part of Lot 20, Irregular Tracts, located in the SE ¼, of Section 24, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:
Beginning at the northeast corner of said SE ¼; thence North 89 Degrees, 27 Minutes, 48 Seconds West, with the north line of said SE ¼, a distance of 60.00 feet to a point; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 60.00 feet west of and parallel with the east line of said SE ¼, a distance of 1398.53 feet to a point of intersection with the right-of-way as conveyed and recorded in Instrument No. 92-9059, as filed with the Lancaster County Register of Deeds Office; thence South 89 Degrees, 39 Minutes, 45 Seconds East, with said existing right-of-way line, perpendicular to the east line of said SE ¼, a distance of 27.00 feet to a point, said point being located 33.00 feet west of as measured perpendicular to the east line of said SE ¼; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 33.00 feet west of and parallel with the east line of said SE ¼, a distance of 1265.59 feet to a point of intersection with the south line of said SE ¼; thence South 89 Degrees, 14 Minutes, 09 Seconds East, with the south line of said SE ¼, a distance of 33.00 feet to a point of intersection with the east line of said SE ¼; thence North 00 Degrees, 20 Minutes, 15 Seconds East, with the east line of said SE ¼, a distance of 2664.16 feet to the point of beginning.

Containing 2.89 acres, more or less, of which 2.02 acres, more or less, is existing county road right of way, making a net additional right of way of 0.87 acres, more

or less.

WHEREAS, Kuck Investment Partners, LLC, has delivered to the County a Warranty Deed for the Property, and an Affidavit concerning the conversion of Kuck Investment Partners, LP, a Delaware Limited Partnership, to Kuck Investment Partners, LLC, a Delaware Limited Liability Company (“the Affidavit”);

WHEREAS, said Warranty Deed contains a restrictive covenant;

WHEREAS, the County wishes to accept the Warranty Deed, to accept the terms of the restrictive covenant contained therein, and to accept the Affidavit; and

WHEREAS, in exchange for the Warranty Deed and the Affidavit, the County wishes to pay consideration to Kuck Investment Partners, LLC, for the Property as provided herein, and to voluntarily dismiss the Action;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that:

1. Lancaster County hereby accepts the Warranty Deed for the Property from Kuck Investment Partners, a copy of which Warranty Deed is attached hereto and incorporated herein by this reference;
2. Lancaster County hereby accepts the terms of the restrictive covenant contained in said Warranty Deed;
3. Lancaster County hereby accepts the Affidavit, a copy of which is attached hereto and incorporated herein by this reference; and
4. In exchange for said Warranty Deed and the Affidavit, Lancaster County hereby agrees to:

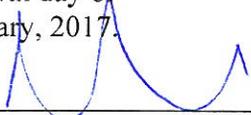
- a. Pay monetary consideration to Kuck Investment Partners, LLC, in the amount of \$20,595.11; and
- b. File on Tuesday, February 14, 2017, a Motion to Voluntarily Dismiss the Action.

DATED this 14th day of February 2017, in the County-City Building, Lincoln,

Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 14th day of
February, 2017.



Deputy County Attorney

for JOE KELLY
Lancaster County Attorney



Bill Arvey

Jennifer J. Binkme

AMUNDSON ABSENT

Wiltgen Absent



WARRANTY DEED

Kuck Investment Partners, LLC, herein called the Grantor, in consideration of One and 00/100 Dollars (\$1.00) and other valuable consideration received from Grantee, does grant, bargain, sell, convey and confirm unto Lancaster County, Nebraska, a political subdivision of the State of Nebraska, herein called the Grantee, all of the Grantor's interests in the following legally described real property in Lancaster County, Nebraska, said premises being depicted in Exhibit 1 hereto, which Exhibit is incorporated herein by this reference:

A part of Lot 20, Irregular Tracts, located in the SE $\frac{1}{4}$, of Section 24, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:
Beginning at the northeast corner of said SE $\frac{1}{4}$; thence North 89 Degrees, 27 Minutes, 48 Seconds West, with the north line of said SE $\frac{1}{4}$, a distance of 60.00 feet to a point; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 60.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 1398.53 feet to a point of intersection with the right-of-way as conveyed and recorded in Instrument No. 92-9059, as filed with the Lancaster County Register of Deeds Office; thence South 89 Degrees, 39 Minutes, 45 Seconds East, with said existing right-of-way line, perpendicular to the east line of said SE $\frac{1}{4}$, a distance of 27.00 feet to a point, said point being located 33.00 feet west of as measured perpendicular to the east line of said SE $\frac{1}{4}$; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 33.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 1265.59 feet to a point of intersection with the south line of said SE $\frac{1}{4}$; thence South 89 Degrees, 14 Minutes, 09 Seconds East, with the south line of said SE $\frac{1}{4}$, a distance of 33.00 feet to a point of intersection with the east line of said SE $\frac{1}{4}$; thence North 00 Degrees, 20 Minutes, 15 Seconds East, with the east line of said SE $\frac{1}{4}$, a distance of 2664.16 feet to the point of beginning.

Containing 2.89 acres, more or less, of which 2.02 acres, more or less, is existing county road right of way, making a net additional right of way of 0.87 acres, more or less.

TO HAVE AND TO HOLD the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the Grantee and to Grantee's successors and assigns forever.

And the Grantor does hereby covenant with the Grantee and with Grantee's successors and assigns that Grantor is lawfully seized of said premises; that the premises are free from encumbrance except for easements and restrictions of record; that Grantor has good right and lawful authority to convey the same; that Grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever; that Grantee shall not be

disturbed in its possession or enjoyment of the premises; and that the Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, execute any instrument necessary for the further assurance of the title to the property that may be reasonably required.

And the Grantee does hereby covenant with the Grantor, and the Grantor's heirs, successors, and assigns, as follows: Until Grantee, or Grantee's successor or assign, dedicates funding for a road improvement project that encompasses grading and/or paving that portion of North 27th Street lying North of a line extending west across North 27th Street from the southern limit of the Covenant Area described below, and lying South of a line extending west across North 27th Street from the northern limit of the Covenant Area described below, Grantee covenants not to remove any of the trees existing on the date of this Warranty Deed within the Covenant Area, consisting of the following legally described real property in Lancaster County, Nebraska, said Covenant Area being depicted in Exhibit 2 hereto, which Exhibit is incorporated herein by this reference:

A part of Lot 20, Irregular Tracts, located in the SE $\frac{1}{4}$, of Section 24, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:
Referring to the northeast corner of said SE $\frac{1}{4}$; thence South 00 Degrees, 20 Minutes, 15 Seconds West, with the east line of said SE $\frac{1}{4}$, a distance of 998.90 feet to a point; thence North 89 Degrees, 39 Minutes, 45 Seconds West, perpendicular to the east line of said SE $\frac{1}{4}$, a distance of 33.00 feet to the point of beginning; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 33.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 399.42 feet to a point of intersection with the right-of-way as conveyed and recorded in Instrument No. 92-9059, as filed with the Lancaster County Register of Deeds Office; thence North 89 Degrees, 39 Minutes, 45 Seconds West, with said existing right-of-way line, perpendicular to the east line of said SE $\frac{1}{4}$, a distance of 27.00 feet to a point; thence North 00 Degrees, 20 Minutes, 15 Seconds East, 60.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 399.42 feet to a point; thence South 89 Degrees, 39 Minutes, 45 Seconds East, perpendicular to the east line of said SE $\frac{1}{4}$, a distance of 27.00 feet to the point of beginning.

Containing 0.25 acres, more or less.

Grantee, and its successors and assigns, expressly do not covenant to maintain any of said trees in the Covenant Area. Grantor agrees that Grantee, and its successors and assigns, may perform maintenance on said trees in the Covenant Area to preserve the safety of the travelling public. Grantee, and its successors and assigns, further covenant that the Grantee, and its successors and assigns, shall not remove trees to the west of the Western limit of the Covenant Area even after the occurrence of the express condition described above, although Grantor agrees that Grantee

may trim any such trees to the extent that they encroach upon the premises conveyed by Grantor to Grantee in this Warranty Deed. This covenant shall run with the land.

In witness whereof the Grantor has signed this 14 day of February 2017.

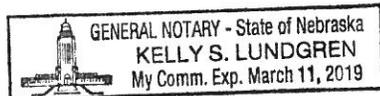
X Gary L. Kuck
Gary L. Kuck, Manager, for Grantor

State of Nebraska County of Lancaster

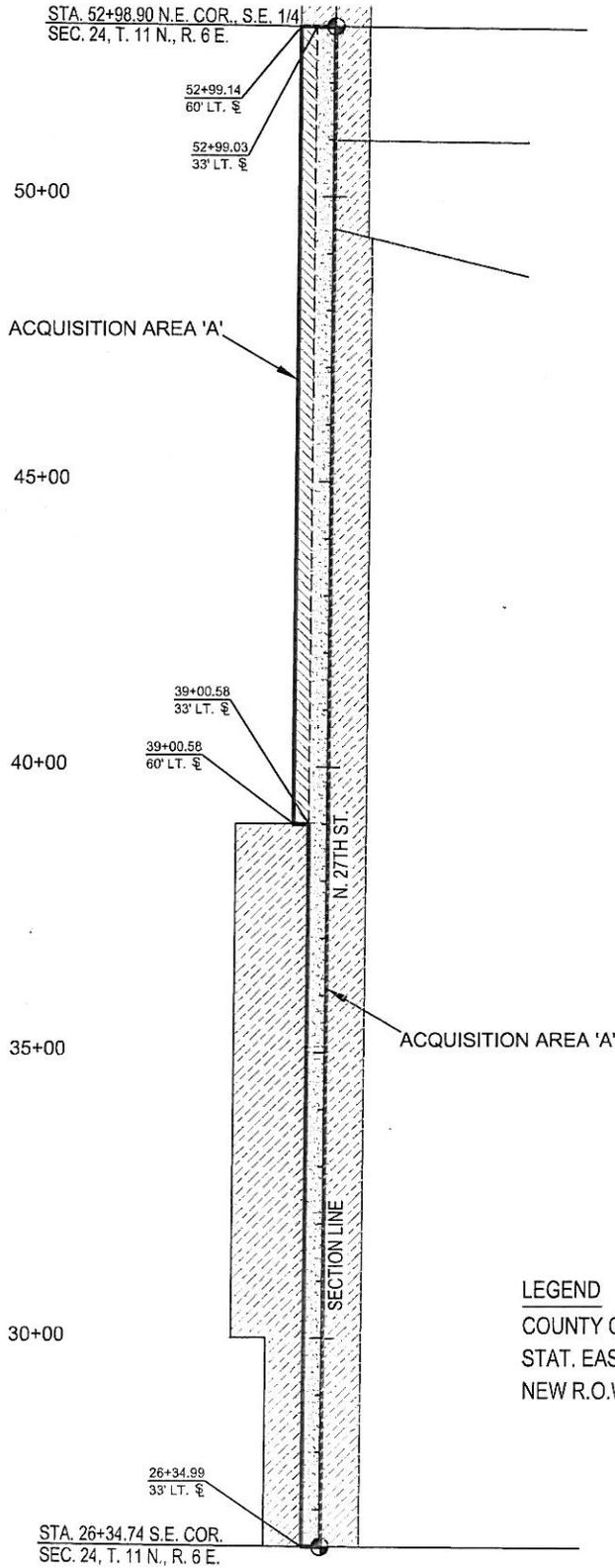
Before me, a notary public qualified for said county, personally came Gary Kuck

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this 14 day of February, 2017



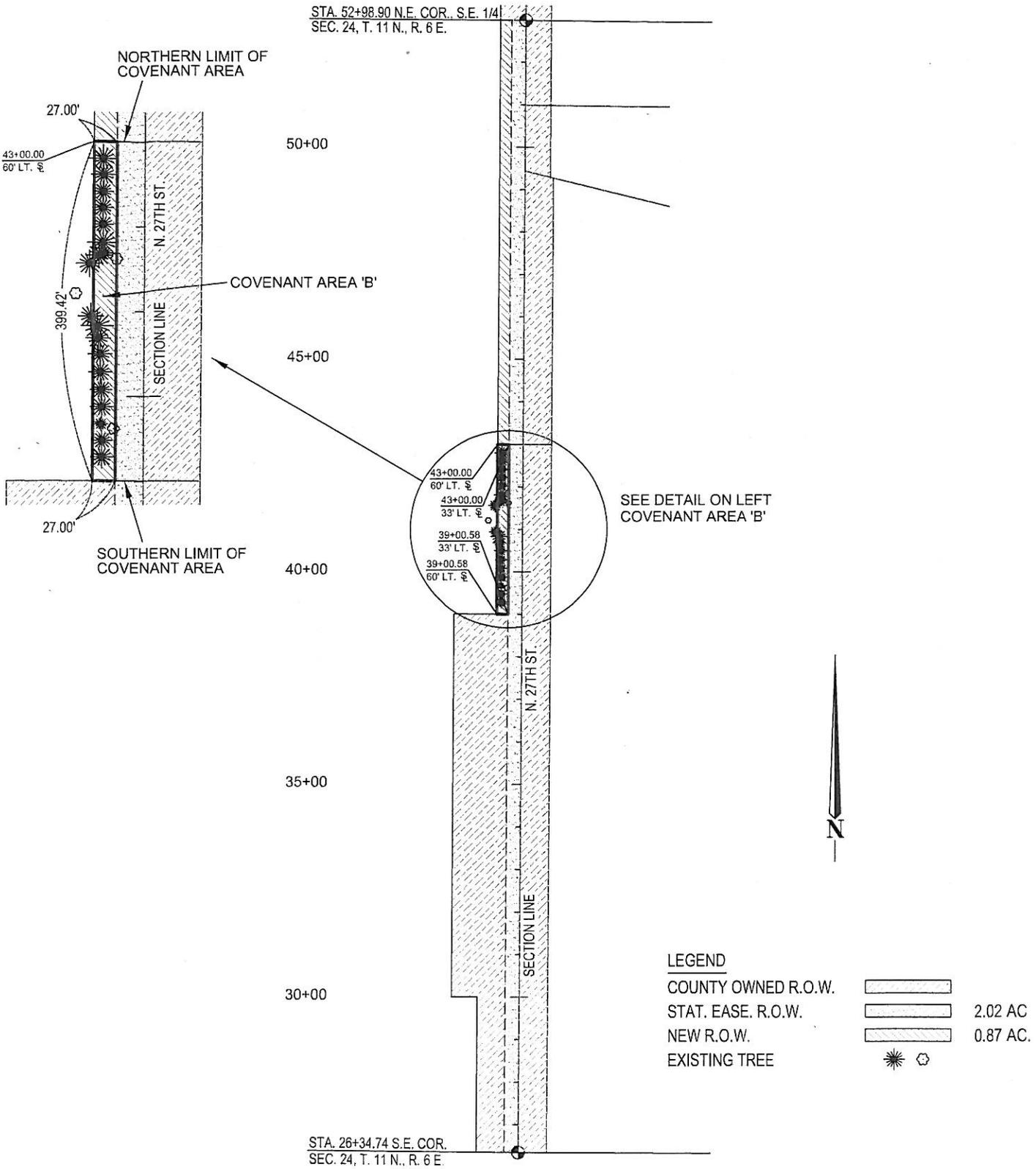
Kelly S. Lundgren
Notary Public
March 11, 2019
My Commission Expires



LEGEND

COUNTY OWNED R.O.W.		
STAT. EASE. R.O.W.		2.02 AC
NEW R.O.W.		0.87 AC.

LANCASTER COUNTY ENGINEERING DEPARTMENT
 PROJECT NO. C55-G-407(2)
 TRACT 1 - R.O.W. ACQUISITION AREA 'A'
 LOT 20 I.T., S.E. 1/4, SEC. 24-T11N-R6E



LANCASTER COUNTY ENGINEERING DEPARTMENT
 PROJECT NO. C55-G-407(2)
 TRACT 1 - R.O.W. COVENANT AREA 'B'
 LOT 20 I.T., S.E. 1/4, SEC. 24-T11N-R6E



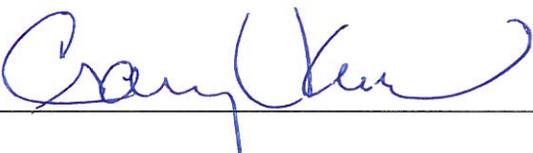
AFFIDAVIT OF CONVERSION

STATE OF NEBRASKA)
)
County of Lancaster)

The undersigned affiant upon being first duly sworn does hereby depose or affirm and state:

1. I am the Manager of Kuck Investment Partners, LLC, and was a General Partner of Kuck Investment Partners, LP.
2. Through the Firm of Koley Jessen P.C., LLO, I prepared and filed with the Delaware and Nebraska Secretaries of State the relevant paperwork related to the conversion of Kuck Investment Partners, LP, a Delaware Limited Partnership, to Kuck Investment Partners, LLC, a Delaware Limited Liability Company.
3. As a result of that preparation and filing, I received through Koley Jessen the documents described in Paragraphs 3.a through 3.d of this Affidavit.
4. Attached hereto are true and accurate copies of the following documents evidencing the conversion of Kuck Investment Partners, LP, a Delaware Limited Partnership, record title holder of the real estate described on Exhibit A to this Affidavit, to Kuck Investment Partners, LLC, a Delaware Limited Liability Company:
 - a. Certified Copy of a Certificate of Conversion of a Delaware Limited Partnership under the name of "Kuck Investment Partners, L.P." to "Kuck Investment Partners, LLC," filed in the Office of the Delaware Secretary of State on November 18, 2016;
 - b. Certified Copy of a Certificate of Formation of "Kuck Investment Partners, LLC," filed in the Office of the Delaware Secretary of State on November 18, 2016;
 - c. Certificate of Cancellation of the Certificate of Limited Partnership of Kuck Investment Partners, L.P., filed with the Office of the Nebraska Secretary of State on December 5, 2016; and
 - d. Application for Certificate of Authority for a Foreign Limited Liability Company for Kuck Investment Partners, LLC, filed with the Office of the Nebraska Secretary of State on December 5, 2016.

Further, affiant saith not.



Signature of Affiant

Cathy L. Koch

Printed Name of Affiant

Subscribed and sworn to before me this February 14, 2017.

Kelly S. Lundgren

Notary Public

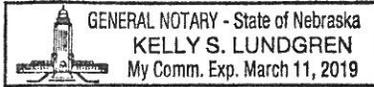


EXHIBIT A

A part of Lot 20, Irregular Tracts, located in the SE $\frac{1}{4}$, of Section 24, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said SE $\frac{1}{4}$; thence North 89 Degrees, 27 Minutes, 48 Seconds West, with the north line of said SE $\frac{1}{4}$, a distance of 60.00 feet to a point; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 60.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 1398.53 feet to a point of intersection with the right-of-way as conveyed and recorded in Instrument No. 92-9059, as filed with the Lancaster County Register of Deeds Office; thence South 89 Degrees, 39 Minutes, 45 Seconds East, with said existing right-of-way line, perpendicular to the east line of said SE $\frac{1}{4}$, a distance of 27.00 feet to a point, said point being located 33.00 feet west of as measured perpendicular to the east line of said SE $\frac{1}{4}$; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 33.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 1265.59 feet to a point of intersection with the south line of said SE $\frac{1}{4}$; thence South 89 Degrees, 14 Minutes, 09 Seconds East, with the south line of said SE $\frac{1}{4}$, a distance of 33.00 feet to a point of intersection with the east line of said SE $\frac{1}{4}$; thence North 00 Degrees, 20 Minutes, 15 Seconds East, with the east line of said SE $\frac{1}{4}$, a distance of 2664.16 feet to the point of beginning.

Containing 2.89 acres, more or less, of which 2.02 acres, more or less, is existing county road right of way, making a net additional right of way of 0.87 acres, more or less.

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE LIMITED PARTNERSHIP UNDER THE NAME OF "KUCK INVESTMENT PARTNERS, L.P." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "KUCK INVESTMENT PARTNERS, L.P." TO "KUCK INVESTMENT PARTNERS, LLC", FILED IN THIS OFFICE ON THE EIGHTEENTH DAY OF NOVEMBER, A.D. 2016, AT 3:29 O`CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

8100V
SR# 20170838487

Authentication: 202024879

Date: 02-13-17

You may verify this certificate online at corp.delaware.gov/authver.shtml

STATE OF DELAWARE
CERTIFICATE OF CONVERSION
FROM A LIMITED PARTNERSHIP TO A
LIMITED LIABILITY COMPANY PURSUANT TO
SECTION 18-214 OF THE LIMITED LIABILITY ACT

- 1.) The jurisdiction where the Limited Partnership first formed is Delaware.
- 2.) The jurisdiction immediately prior to filing this Certificate is Delaware.
- 3.) The date the Limited Partnership first formed is March 4, 1997.
- 4.) The name of the Limited Partnership immediately prior to filing this Certificate is Kuck Investment Partners, L.P..
- 5.) The name of the Limited Liability Company as set forth in the Certificate of Formation is Kuck Investment Partners, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 26 day of SEPTEMBER, A.D. 2016.

By: 
Authorized Person

Name: Gary L. Kuck
Print or Type

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "KUCK INVESTMENT PARTNERS, LLC", FILED IN THIS OFFICE ON THE EIGHTEENTH DAY OF NOVEMBER, A.D. 2016, AT 3:29 O`CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

2724610 8100
SR# 20170838487

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 202024880
Date: 02-13-17

COPY

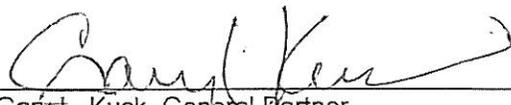
NE Sec of State John A Galt - CORP CA
1001412290
KUCK INVESTMENT PARTNERS, L.P.
Filed 12/05/2016 02:42 PM
Page: 1

CERTIFICATE OF CANCELLATION
OF THE CERTIFICATE OF LIMITED PARTNERSHIP OF
KUCK INVESTMENT PARTNERS, L.P.

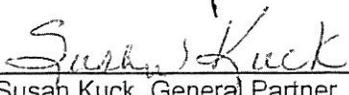
The undersigned, being the General Partners of Kuck Investment Partners, L.P., a Delaware limited partnership, hereby state under oath that the Registration of Foreign Limited Partnership to Transact Business filed with the Nebraska Secretary of State is hereby cancelled pursuant to the Nebraska Uniform Limited Partnership Act. In connection therewith, the undersigned hereby states as follows:

1. The name of the limited partnership is Kuck Investment Partners, L.P. (the "Partnership").
2. The Partnership filed its Registration of Foreign Limited Partnership to Transact Business on March 13, 1997.
3. The Partnership filed a Certificate of Conversion in Delaware on November 18, 2016, in order to convert to a Delaware limited liability company.
4. The Partnership desires to cancel its foreign registration in Nebraska.
5. This Certificate of Cancellation shall become effective as of the date of filing with the Nebraska Secretary of State.

IN WITNESS WHEREOF, this Certificate of Cancellation has been executed by the undersigned General Partners of the Partnership on November 18, 2016.



Gary L. Kuck, General Partner



Susan Kuck, General Partner

COPY

APPLICATION FOR CERTIFICATE OF AUTHORITY
FOREIGN LIMITED LIABILITY COMPANY

Submit in Duplicate

John A. Gale, Secretary of State
Room 1301 State Capitol, P.O. Box 94608
Lincoln, NE 68509
(402) 471-4079
<http://www.sos.ne.gov>

An original certificate of existence from the appropriate authority in the jurisdiction or state under whose laws the limited liability company was organized must be filed with this document.

NOTE: A certified copy of the company's certificate of organization may not be filed in lieu of a certificate of existence.

Name of Limited Liability Company Kuck Investment Partners, LLC

Alternate Name _____
(complete only if actual name is unavailable for use or does not comply with Nebraska law)

Name and address of registered agent in Nebraska:

Registered Agent Name: CSC-Lawyers Incorporating Service Company

Registered Agent Address:

233 South 13th Street, Suite 1900 Lincoln NE 68508
Street and Mailing Address City State Zip

Address of Principal Office:

692 West Lakeshore Drive Lincoln NE 68528
Street and Mailing Address City State Zip

If required by state or jurisdiction of organization, office maintained in that jurisdiction:

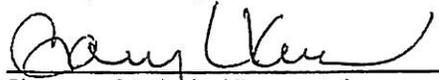
Street and Mailing Address City State Zip

Organized under the laws of the State or Jurisdiction of Delaware

Nature of the Business, purposes to be conducted or promoted in this state or professional services being rendered:

hold and manage investments

Effective date if other than the date filed _____


Signature of Authorized Representative

Gary L. Kuck
Printed name of Authorized Representative

FILING FEE: \$120.00
Revised 06/23/15

Neb. Rev. Stat. §21-156

STATE OF NEBRASKA

United States of America, | ss.
State of Nebraska |

Secretary of State
State Capitol
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the
State of Nebraska, do hereby certify that

KUCK INVESTMENT PARTNERS, LLC

a(n) Delaware Limited Liability Company, filed an Application for Certificate
of Authority on December 5, 2016 and is hereby authorized to transact
business in the state of Nebraska as of the date of this certificate.

*This certificate is not to be construed as an endorsement,
recommendation, or notice of approval of the entity's financial
condition or business activities and practices.*

In Testimony Whereof,



I have hereunto set my hand and
affixed the Great Seal of the
State of Nebraska on this date of
December 5, 2016

John A. Gale
Secretary of State