

DRAFT

RESOLUTION NO. R26-63

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT FOR A SIX-FOOT PERMANENT SIDEWALK EASEMENT BY BANK OF CLARKS, COLUMBUS LOCATION, BEING THE WEST SIX FEET OF THAT PART OF LOT 8, BLOCK 4, EVENLAWN ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, NOT WITHIN STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION US HIGHWAY 30 AND 81 RIGHT-OF-WAY, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE, AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the agreement for a permanent sidewalk easement by Bank of Clarks, Columbus location, being the west six feet of that part of Lot 8, Block 4, Evenlawn Addition to the City of Columbus, Platte County, Nebraska, not within State of Nebraska Department of Transportation US Highways 30 and 81 right-of-way, a copy of which is attached hereto and incorporated herein by this reference, executed by Bank of Clarks, be approved by the City of Columbus, Nebraska.

This resolution shall repeal all resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2026.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Once Recorded Return To: City of Columbus, Engineering Department, 2500 14th Street,
Ste. 3, Columbus, NE 68601

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT ("Easement") is entered into as of the Effective Date by and between **Bank of Clarks, Columbus Location**, ("Grantor") and **the City of Columbus, a Municipal Corporation in the State of Nebraska**, ("Grantee"). The Effective Date of this Easement shall be the date upon which the last of the parties has signed this Easement.

WHEREAS, Grantor is the owner of certain real property located in Platte County, Nebraska, as legally described as follows (the "Grantor Parcel ");

A six-foot sidewalk easement being the west six feet of that part of Lot 8, Block 4, Evenlawn Addition to the City of Columbus, Platte County, Nebraska, not within Nebraska Department of Transportation Highway 30 and 81 Right-of-Way.

WHEREAS, the Grantor Parcel is immediately adjacent to State of Nebraska right of way known as US Highways 30/81(33rd Avenue) in Columbus, Nebraska;

WHEREAS, Grantee has requested and Grantor has agreed to grant Grantee a sidewalk easement over the Grantor Parcel legally described and depicted on Exhibit A attached hereto and incorporated herein by this reference (the " Easement Area") upon the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby conclusively acknowledged, Grantor and Grantee agree as follows:


1. **Grant of Easement.** Grantor hereby grants and conveys unto Grantee and the public a perpetual easement for a sidewalk, upon and through the Easement Area (the "Easement"). Grantor shall remain responsible for all maintenance and snow removal.
2. **Term.** The Term of the Sidewalk Easement shall be perpetual. The Sidewalk Easement is and shall be deemed to be a covenant running with the land and shall be binding upon the parties hereto and upon their successors and assigns. Any modification or amendment shall be effective when duly executed, acknowledged and recorded in the Office of the Register of Deeds of Platte County, Nebraska.

3. Governing Law and Venue. This Easement shall be governed by, and construed and enforced in accordance with, the laws of the State of Nebraska.
4. Entire Agreement. Each party acknowledges that it has read and fully understands the contents of this Easement. This Easement represents the entire and integrated agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or agreements, either written or oral. This Easement may be modified only by written instrument duly authorized and executed by all parties.

CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska, Grantee.

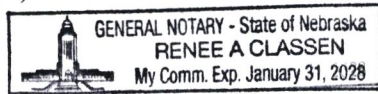
By: James B. Bulkley, Mayor

Grantor:


John M. DuBray III, President
Bank of Clarks

STATE OF NEBRASKA)
) SS.
COUNTY OF PLATTE)

The foregoing instrument was acknowledged before me on Month April 28 2026 by **John M. DuBray III, President Bank of Clarks**

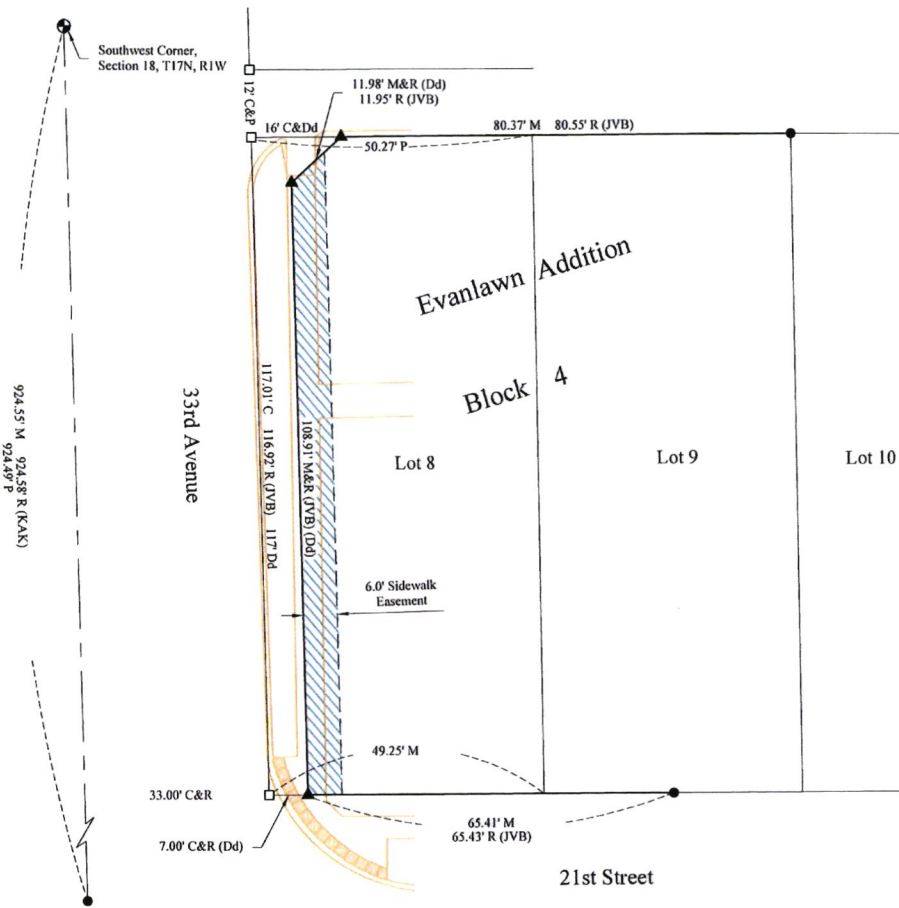


Notary Public 

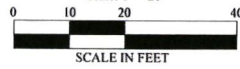
STATE OF NEBRASKA)
) SS.
COUNTY OF PLATTE)

The foregoing instrument was acknowledged before me on Month _____ 2026 by **James B. Bulkley, Mayor of City of Columbus.**

Notary Public



Drawn By: LRR
Date: April 14, 2026
Project Number: S-071-178
Scale: 1" = 20'



LEGEND

- Section Corner Found
- Property Corner Found
- ▲ Property Corner Found (Mag-Spike w/Washer)
- Calculated Point
- M Measured Distance
- C Calculated Distance
- R Recorded Distance (KAK) Kent A. Kennedy, LS #521, dated January 4, 2013. (TAT) Thomas A. Tremel, LS #455, dated April 21, 1990. (JVB) John V. Berry, LS #535, dated September 9, 1996. (Dd) Deed Book #229, Page 1041.

SIDEWALK EASEMENT

A six foot sidewalk easement being the west six feet of that part of Lot 8, Block 4, Evanlawn Addition to the City of Columbus, Platte County, Nebraska, not within Nebraska Department of Transportation Highway 30 and 81 Right-of-Way.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, Nebraska Registered Land Surveyor No. 550, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey.

Terry L. Schulz
Terry L. Schulz, State of Nebraska, LS #550

4-14-2026
Date



ADVANCED CONSULTING ENGINEERING SERVICES
West Point & Columbus
Phone: (402) 372-1923