

Agenda Item # 18  
Date 11/4/20

BURT COUNTY ATTORNEY  
111 N 13<sup>TH</sup> STREET  
TEKAMAH, NEBRASKA 68061

EDMOND E. TALBOT, COUNTY ATTORNEY  
JENNIFER D. WALKINGSTICK, DEPUTY COUNTY ATTORNEY  
[attorney@burtcounty.org](mailto:attorney@burtcounty.org)

TELEPHONE: 402-374-2910  
FAX: 402-374-2909

October 26, 2020

Board of Supervisors  
C/O **Barbara L. Sullivan**  
P.O. Box 466  
Blair, NE 68008  
[bsullivan@washingtoncountyne.org](mailto:bsullivan@washingtoncountyne.org)

Board of Supervisors  
C/O **Fred Mytty**  
435 N. Park  
Fremont, NE 68025  
[clerk@dodge.nacone.org](mailto:clerk@dodge.nacone.org)

Dodge County Board of Supervisors/Washington County Board of Supervisors

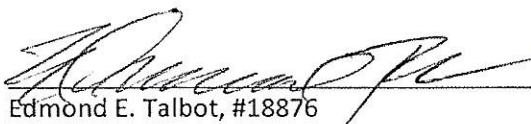
Dear Members of the Boards of Dodge and Washington Counties:

As you know, I have been working with the Department of Justice and the United States General Services Administration to get the United States to transfer to Burt County for the radio tower located in Burt County, Nebraska.

According to all involved on the governments side, I have been directed to prepare the attached Agreement. This will begin the process for a new FEMA application and ultimately receiving a deed from the United States to Burt County for the radio tower located in Burt County, Nebraska. I am hopeful that this Agreement meets your approval and I ask that you present this to your County Attorney and Board for signatures.

If you have any questions or comments please advise.

Sincerely,



Edmond E. Talbot, #18876  
Jennifer D. Walkingstick # 23467  
Burt County Attorney's Office  
111 N 13<sup>th</sup> Street, Ste #12  
Tekamah, NE 68061  
[attorney@burtcounty.org](mailto:attorney@burtcounty.org)  
(402)374-2910

Cc: Mark Duffy – [mark.duffy@gsa.gov](mailto:mark.duffy@gsa.gov)  
Jennifer Mollenshott- [Jennifer.mollenshott@gsa.gov](mailto:Jennifer.mollenshott@gsa.gov)

## AGREEMENT

### For Disposition of Property located in Burt County, Nebraska

WHEREAS: The County Boards of Washington, Dodge and Burt recognize that pursuant to an Interlocal Cooperation Agreement dated February 14, 1998 created was Region 5/6 Emergency Management; and

WHEREAS: Region 5/6 made application to the Federal Emergency Management Association (FEMA) in 2012 for conveyance of real property in Burt County with a radio tower located thereon for emergency management purposes. The real estate being legal described on Exhibit "A" attached hereby; and

WHEREAS: The Deed to Region 5/6 Emergency Management did not convey fee simple title to Region 5/6 because the Interlocal Cooperation Agreement had expired in 2008 (ten years from February 14, 1998) causing the Deed to Region 5/6 dated October 12, 2017 to be voidable; and

WHEREAS: Burt County is interested in retaining the real estate and radio tower for purposes of emergency management purposes and law enforcement communications within Burt County and surrounding areas; and

WHEREAS: Dodge County and Washington County are in agreement to allow Burt County to receive the real estate and radio tower located in Burt County, Nebraska as identified on Exhibit "A";

NOW THEREFORE: The governing bodies of Washington County and Dodge County do hereby release and forgo any claim or interest in the real estate as specifically described on Exhibit "A". Both Dodge and Washington County further forgo any claim or interest in the real estate that may have arisen from their participation in Region 5/6 pursuant to the Interlocal Cooperation Agreement dated February 14, 1998. Dodge and Washington Counties further agree to a new conveyance by the United States of America to Burt County, transferring all their interest in and to said real estate described on Exhibit "A".

In witness of this agreement, and in consideration their mutual covenants set forth herein, the member Counties have ratified this agreement and designated their Board Representative as attested below:

WASHINGTON COUNTY

BY: \_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

Date: \_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_  
COUNTY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
WASHINGTON COUNTY ATTORNEY

BURT COUNTY

BY: \_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

Date: \_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_  
COUNTY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
BURT COUNTY ATTORNEY

DODGE COUNTY

BY: \_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

Date: \_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_  
COUNTY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
DODGE COUNTY ATTORNEY

QUITCLAIM DEED

STATE OF NEBRASKA            X  
COUNTY OF BURT                X

KNOW ALL BY THESE PRESENTS:

THIS QUITCLAIM DEED is made this 17<sup>th</sup> day of October, 2012, by and between the United States of America (herein sometimes referred to as the "Government"), acting by and through the Administrator of General Services Administration (hereinafter referred to as "Grantor"), under and pursuant to authority of 40 U.S.C. § 553, and rules, orders, and regulations issued pursuant thereto, and Region 5/6 Emergency Management & Homeland Security, an interjurisdictional entity under the Nebraska Emergency Management Act, 435 North Park Avenue, Suite 404, Fremont, NE 68025 (hereinafter referred to as "Grantee"). The terms used to designate any of the parties herein shall include their respective representatives, successors and assigns of said parties.

**I.        Quitclaim of the Fee Estate**

Grantor, for and in consideration of the specific agreements hereinafter made by Grantee, for itself and its successors and assigns, agrees to abide by and take subject to all reservations, restrictions, covenants, exceptions, notifications, conditions and agreements hereinafter set forth in this Quitclaim Deed, does hereby grant, convey, remise, release and forever quitclaim to the Grantee, its successors and assigns, pursuant to the reservations, restrictions, covenants, exceptions, notifications, conditions and agreements hereinafter set forth, fee simple, in and to, that certain real property known as the former Decatur Microwave Tower Repeater Tract 100 (hereinafter referred to as the "Property"), and described in detail as follows:

**Legal Description**

A tract of land situated in the NE1/4NE1/4 of Section 27, Township 23 North, Range 10 East of the Sixth Principal Meridian, Burt County, Nebraska, being more particularly described as follows:

Commencing at the Northeast corner of said NE1/4NE1/4; thence Southerly along the East line of said NE1/4NE1/4, a distance of 600.00 feet to the POINT OF BEGINNING; thence Westerly at right angles to the right, 350.00 feet; thence Southerly parallel with said East line, 300.00 feet; thence Easterly at right angles to the left, 350.00 feet to said East line; thence Northerly along said East line to the point of beginning. The tract of land herein described contains 2.41 acres, more or less.

The above described tract of land hereinafter referred to as the "Property".

**TO HAVE AND TO HOLD** the Property, together with all improvements, hereditaments, appurtenances, therein and all reversions, remainders, issues, profits and other rights belonging or related thereto, and subject all reservations, restrictions, covenants, exceptions, notifications, conditions, and agreements herein set forth in this Quitclaim Deed, either in law or in equity, for the use, benefit, and behalf of the Grantee, its successors and assigns forever.

**II. SPECIAL AND GENERAL EXCEPTIONS AFFECTING THE PROPERTY**

This Quitclaim Deed covering the Property is expressly made subject to the following matters to the extent and only to the extent the same are valid and subsisting and affect the Property:

A. All existing licenses, permits, servitudes and right-of-way including, but not limited to State highway department driveway permits, easements and rights-of-way for public streets, roads and highways, public utilities, electric power lines, electric transmission facilities, railroads, pipelines, ditches, conduits and canals on, over and across said land, whether or not of record.